
ANNALS

OF

THE CONGRESS OF THE UNITED STATES.

FOURTH CONGRESS—SECOND SESSION.

THE
DEBATES AND PROCEEDINGS
IN THE
CONGRESS OF THE UNITED STATES;
WITH
AN APPENDIX,
CONTAINING
IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,
AND ALL
THE LAWS OF A PUBLIC NATURE;
WITH A COPIOUS INDEX.

FOURTH CONGRESS—SECOND SESSION.
COMPRISING THE PERIOD FROM DECEMBER 5, 1796, TO MARCH 3, 1797,
INCLUSIVE.

COMPILED FROM AUTHENTIC MATERIALS.

WASHINGTON:
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1849.

PROCEEDINGS

OF

THE SENATE OF THE UNITED STATES,

AT THE SECOND SESSION OF THE FOURTH CONGRESS, BEGUN AT THE CITY OF
PHILADELPHIA, DECEMBER 5, 1796.

MONDAY, December 5, 1796.

PRESENT:

JOHN ADAMS, Vice President of the United States, and President of the Senate.

JOHN LANGDON and SAMUEL LIVERMORE, from New Hampshire;

BENJAMIN GOODHUE, from Massachusetts;

WILLIAM BRADFORD, from Rhode Island;

JAMES HILLHOUSE and URIAH TRACY, from Connecticut;

ELIJAH PAINE and ISAAC TICHENOR, from Vermont;

JOHN RUTHERFURD and RICHARD STOCKTON, from New Jersey;

WILLIAM BINGHAM, from Pennsylvania;

HENRY LATIMER, from Delaware;

HUMPHREY MARSHALL, from Kentucky;

WILLIAM COCKE, from Tennessee;

JACOB READ, from South Carolina;

JAMES GUNN, from Georgia.

The number of Senators present not being sufficient to constitute a quorum, they adjourned to 11 o'clock to-morrow morning.

TUESDAY, December 6.

ALEXANDER MARTIN, from the State of North Carolina, and WILLIAM BLOUNT, from the State of Tennessee, severally attended.

The VICE PRESIDENT communicated a letter from PIERCE BUTLER, notifying the resignation of his seat in the Senate, which was read.

The credentials of the after-named Senators were severally read:—Of BENJAMIN GOODHUE, appointed a Senator by the State of Massachusetts, in place of GEORGE CABOT, resigned; of ISAAC TICHENOR, appointed a Senator by the State of Vermont, in place of MOSES ROBINSON, resigned; of JAMES HILLHOUSE, appointed a Senator by the State of Connecticut, in place of OLIVER ELLSWORTH, whose seat is become vacant; of URIAH TRACY, appointed a Senator by the State of Connecticut, in place of JONATHAN TRUMBULL, resigned; of JOHN LAURANCE, appointed a Senator by the State of New York, in place of RUFUS KING, whose seat is become vacant; of RICHARD

STOCKTON, appointed a Senator by the State of New Jersey, in place of FREDERICK FRELINGHUYSEN, resigned; also, of WILLIAM BLOUNT and WILLIAM COCKE, appointed Senators by the State of Tennessee;—and, the oath required by law being respectively administered to them, they took their seats in the Senate.

A message from the House of Representatives informed the Senate that a quorum of the House of Representatives is assembled, and ready to proceed to business.

Ordered, That the Secretary wait on the PRESIDENT OF THE UNITED STATES, and acquaint him that a quorum of the Senate is assembled.

Ordered, That the Secretary acquaint the House of Representatives that a quorum of the Senate is assembled, and ready to proceed to business.

A message from the House of Representatives informed the Senate that they have appointed a joint committee, on their part, together with such committee as the Senate may appoint, to wait on the PRESIDENT OF THE UNITED STATES, and notify him that a quorum of the two Houses is assembled, and ready to receive any communications that he may be pleased to make to them.

Resolved, That the Senate concur in the above resolution, and that Messrs. READ and LIVERMORE be the joint committee on the part of the Senate.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. READ reported, from the joint committee appointed for that purpose, that they had waited on the PRESIDENT OF THE UNITED STATES, and had notified him that a quorum of the two Houses of Congress are assembled; and that the PRESIDENT OF THE UNITED STATES acquainted the committee that he would meet the two Houses in the Representatives' Chamber, at twelve o'clock to-morrow.

WEDNESDAY, December 7.

JOHN HENRY, from the State of Maryland, attended.

A message from the House of Representatives informed the Senate that they are now ready to

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meet the Senate in the Chamber of that House, to receive such communications as the PRESIDENT OF THE UNITED STATES shall be pleased to make to them.

Whereupon, the Senate repaired to the Chamber of the House of Representatives, for the purpose above expressed.

The Senate returned to their own Chamber, and a copy of the Speech of the PRESIDENT OF THE UNITED STATES, this day addressed to both Houses of Congress, was read. [For which, see the proceedings in the House of Representatives of December 7, *post*.]

Ordered, That Messrs. READ, TRACY, and BINGHAM, be a committee to report the draught of an Address to the PRESIDENT OF THE UNITED STATES, in answer to his Speech this day to both Houses of Congress.

It was further ordered, that the Speech of the PRESIDENT OF THE UNITED STATES, this day communicated to both Houses, be printed for the use of the Senate.

Resolved, That each Senator be supplied, during the present session, with copies of three such newspapers, printed in any of the States, as he may choose, provided that the same are furnished at the rate of the usual annual charge for such papers.

THURSDAY, December 8.

JOHN LAURANCE, from the State of New York, attended, and, the oath required by law being administered to him, he took his seat in the Senate.

Ordered, That Messrs. STOCKTON, READ, and BINGHAM, be a committee to inquire whether any, and what, regulations are proper to be made, on the subject of the resignation of a Senator of the United States.

On motion to proceed to class the Senators from the State of Tennessee, as the Constitution provides, it was agreed to postpone the consideration thereof until to-morrow.

FRIDAY, December 9.

TIMOTHY BLOODWORTH, from the State of North Carolina, attended.

A message from the House of Representatives informed the Senate that they have resolved that two Chaplains be appointed to Congress for the present session—one by each House—who shall interchange weekly; in which they desire the concurrence of the Senate.

Whereupon, the Senate

Resolved, That they do concur therein, and that the Right Reverend Bishop WHITE be Chaplain on the part of the Senate.

Mr. READ, from the committee appointed for the purpose, reported the draught of an Address to the PRESIDENT OF THE UNITED STATES, in answer to his Speech to both Houses of Congress, at the opening of the session; which was read.

On motion, that it be printed for the use of the Senate, it passed in the negative.

On motion, it was agreed to consider the report in paragraphs; and, after debate, a motion was made for recommitment, which passed in the negative; and, having agreed to amend the report, the further consideration thereof was postponed.

SATURDAY, December 10.

ADDRESS TO THE PRESIDENT.

The Senate resumed the consideration of the report of the committee in answer to the Address of the PRESIDENT OF THE UNITED STATES to both Houses of Congress; and, after further amendments, it was unanimously adopted, as follows:

We thank you, sir, for your faithful and detailed exposure of the existing situation of our country; and we sincerely join in sentiments of gratitude to an overruling Providence for the distinguished share of public prosperity and private happiness which the people of the United States so peculiarly enjoy.

We are fully sensible of the advantages that have resulted from the adoption of measures (which you have successfully carried into effect) to preserve peace, cultivate friendship, and promote civilization, amongst the Indian tribes on the Western frontiers; feelings of humanity, and the most solid political interests, equally encourage the continuance of this system.

We observe, with pleasure, that the delivery of the military posts, lately occupied by the British forces, within the territory of the United States, was made with cordiality and promptitude, as soon as circumstances would admit; and that the other provisions of our Treaties with Great Britain and Spain, that were objects of eventual arrangement, are about being carried into effect, with entire harmony and good faith.

The unfortunate but unavoidable difficulties that opposed a timely compliance with the terms of the Algerine Treaty, are much to be lamented; as they may occasion a temporary suspension of the advantages to be derived from a solid peace with that Power, and a perfect security from its predatory warfare; at the same time, the lively impressions that affected the public mind on the redemption of our captive fellow-citizens, afford the most laudable incentive to our exertions to remove the remaining obstacles.

We perfectly coincide with you in opinion, that the importance of our commerce demands a naval force for its protection against foreign insult and depredation, and our solicitude to attain that object will be always proportionate to its magnitude.

The necessity of accelerating the establishment of certain useful manufactures, by the intervention of the Legislative aid and protection, and the encouragement due to agriculture by the creation of Boards, (composed of intelligent individuals,) to patronise this primary pursuit of society, are subjects which will readily engage our most serious attention.

A National University may be converted to the most useful purposes; the science of legislation being so essentially dependant on the endowments of the mind, the public interests must receive effectual aid from the general diffusion of knowledge; and the United States will assume a more dignified station among the nations of the earth, by the successful cultivation of the higher branches of literature.

A Military Academy may be likewise rendered equally important. To aid and direct the physical force of

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the nation, by cherishing a military spirit, enforcing a proper sense of discipline, and inculcating a scientific system of tactics, is consonant to the soundest maxims of public policy. Connected with, and supported by, such an establishment, a well regulated militia, constituting the natural defence of the country, would prove the most effectual, as well as economical, preservative of peace.

We cannot but consider, with serious apprehensions, the inadequate compensations of the public officers, especially of those in the more important stations. It is not only a violation of the spirit of a public contract, but is an evil so extensive in its operation, and so destructive in its consequences, that we trust it will receive the most pointed Legislative attention.

We sincerely lament that, whilst the conduct of the United States has been uniformly impressed with the character of equity, moderation, and love of peace, in the maintenance of all their foreign relationships, our trade should be so harassed by the cruisers and agents of the Republic of France, throughout the extensive departments of the West Indies.

Whilst we are confident that no cause of complaint exists that could authorize an interruption of our tranquility or disengage that Republic from the bonds of amity, cemented by the faith of Treaties, we cannot but express our deepest regrets that official communications have been made to you, indicating a more serious disturbance of our commerce. Although we cherish the expectation that a sense of justice, and a consideration of our mutual interests, will moderate their councils, we are not unmindful of the situation in which events may place us, nor unprepared to adopt that system of conduct, which, compatible with the dignity of a respectable nation, necessity may compel us to pursue.

We cordially acquiesce in the reflection, that the United States, under the operation of the Federal Government, have experienced a most rapid aggrandizement and prosperity, as well political as commercial.

Whilst contemplating the causes that produce this auspicious result, we must acknowledge the excellence of the constitutional system, and the wisdom of the Legislative provisions; but we should be deficient in gratitude and justice, did we not attribute a great portion of these advantages to the virtue, firmness, and talents, of your Administration—which have been conspicuously displayed in the most trying times, and on the most critical occasions. It is, therefore, with the sincerest regret that we now receive an official notification of your intentions to retire from the public employments of your country.

When we review the various scenes of your public life, so long and so successfully devoted to the most arduous services, civil and military, as well during the struggles of the American Revolution, as the convulsive periods of a recent date; we cannot look forward to your retirement without our warmest affections and most anxious regards accompanying you, and without mingling with our fellow-citizens at large in the sincerest wishes for your personal happiness that sensibility and attachment can express.

The most effectual consolation that can offer for the loss we are about to sustain, arises from the animating reflection that the influence of your example will extend to your successors, and the United States thus continue to enjoy an able, upright, and energetic Administration.

JOHN ADAMS,

*Vice President of the United States, and
President of the Senate.*

Ordered, That the committee who prepared the Address, wait on the PRESIDENT OF THE UNITED STATES, and desire him to acquaint the Senate at what time and place it will be most convenient for him that it should be presented.

Mr. READ reported, from the committee, that they had waited on the PRESIDENT OF THE UNITED STATES, and that he would receive the Address of the Senate on Monday next at 12 o'clock, at his own house. Whereupon,

Resolved, That the Senate will, on Monday next, at 12 o'clock, wait on the PRESIDENT OF THE UNITED STATES accordingly.

The VICE PRESIDENT laid before the Senate a letter from Samuel Meredith, Treasurer of the United States, with his specie account for the quarters ending the 30th June and 30th of September, 1796; also, his accounts of receipts and expenditures in the War Department for the quarters ending at the same time; which were read, and ordered to lie on the table.

The Senate proceeded to class the Senators from the State of Tennessee, in conformity to the resolution of the 14th of May, 1789, and as the Constitution requires.

Whereupon, numbers one, two, and three, were, by the Secretary, rolled up and put into the ballot box, when Mr. BLOUNT drew number two, and is accordingly of the class whose seats will become vacated on the 3d of March, 1799. Mr. COCKE drew number one, and is accordingly of the class whose seats will become vacated on the 3d of March, 1797.

MONDAY, December 12.

THEODORE FOSTER, from the State of Rhode Island; JOHN BROWN, from the State of Kentucky; and HENRY TAZEVELL, from the State of Virginia, severally attended.

ADDRESS TO THE PRESIDENT.

Agreeably to the resolution of the 10th instant, the Senate waited on the PRESIDENT OF THE UNITED STATES, and the VICE PRESIDENT, in their name, presented the Address then agreed to.

To which the PRESIDENT made the following reply:

GENTLEMEN: It affords me great satisfaction to find in your Address a concurrence in sentiment with me on the various topics which I presented for your information and deliberation; and that the latter will receive from you an attention proportioned to their respective importance.

For the notice you take of my public services, civil and military, and your kind wishes for my personal happiness, I beg you to accept my cordial thanks. Those services, and greater, had I possessed ability to render them, were due to the unanimous calls of my country, and its approbation is my abundant reward.

When contemplating the period of my retirement, I saw virtuous and enlightened men, among whom I relied on the discernment and patriotism of my fellow-citizens to make the proper choice of a successor; men who would require no influential example to insure to

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the United States "an able, upright, and energetic Administration." To such men I shall cheerfully yield the palm of genius and talents to serve our common country; but, at the same, I hope I may be indulged in expressing the consoling reflection, (which consciousness suggests,) and to bear it with me to my grave, that none can serve it with purer intentions than I have done, or with a more disinterested zeal.

G. WASHINGTON.

The Senate returned to their own Chamber, and then adjourned.

TUESDAY, December 13.

A message from the House of Representatives informed the Senate that they have proceeded to the choice of a Chaplain to Congress; on their part, and the Reverend ASHBEL GREEN is duly elected. And that they have passed a bill, entitled "An act to amend the act, entitled 'An act for the more general promulgation of the laws of the United States;'" in which they desire the concurrence of the Senate.

The last mentioned bill was read, and ordered to a second reading.

A motion was made that the sum of one hundred dollars each, be allowed to the principal and engrossing clerks in the office of the Secretary of the Senate, to be paid by the Secretary, out of the money appropriated for the contingent expenses of the Senate.

And it was agreed that the motion should be referred to Messrs. TRACY, LIVERMORE, and READ, to consider and report thereon to the Senate.

On motion, that a committee be appointed to take into consideration the compensations at present allowed to the officers of the Government, with a view (under existing circumstances) of making a more just and liberal provision for them, it was agreed that this motion should lie for consideration.

WEDNESDAY, December 14.

The bill, sent from the House of Representatives for concurrence, entitled "An act to amend the act, entitled 'An act for the more general promulgation of the laws of the United States;'" was read the second time, and referred to Messrs. RUTHERFORD, TRACY, and BLOODWORTH, to consider and report thereon to the Senate.

THURSDAY, December 15.

The Senate assembled this day, but transacted no business.

FRIDAY, December 16.

The VICE PRESIDENT laid before the Senate the report of the Commissioners of the Sinking Fund; which was read, as follows:

"The Commissioners of the Sinking Fund respectfully report to Congress—

"That the purchases of the debt of the United States, as stated in their report of the 18th of December, 1795,

amount to two millions three hundred and seven thousand six hundred and sixty-one dollars and seventy-one cents; for which there have been paid, in specie, one million six hundred and eighteen thousand nine hundred and thirty-six dollars and four cents, as will more particularly appear from the document marked A.

"That, subsequent to the said report of the 18th of December, 1795, and in pursuance of the act, entitled 'An act making further provision for the support of Public Credit, and for the redemption of the Public Debt,' the Commissioners of the Sinking Fund have caused the sum of five hundred and forty-four thousand and sixty-six dollars and fifty-four cents to be applied towards the redemption of the six per cent. stock, bearing interest, as will appear from the document marked B.

"That there is at this time in the hands of the Treasurer of the United States, as their agent, the sum of sixty-seven thousand and twenty-five dollars and sixty-three cents, arising from the dividends since the first of April last, on stock heretofore purchased and redeemed, and the sum of ten thousand two hundred and seventy-four dollars and thirty-eight cents, arising from payments into the Treasury on account of debts due to the United States prior to their present Constitution; which sums, with the dividends to be made at the close of the present year, and other funds appropriated by law, will be applied on the first day of January ensuing, to a further reimbursement of the six per cent. stock, bearing a present interest, agreeably to the directions of the act in that case made and provided.

"In pursuance of the first section of the act, entitled 'An act making further provision for the support of Public Credit, and for the redemption of the Public Debt,' a loan of five hundred thousand dollars was authorized by a resolution of the Board, passed on the 28th day of December, 1795, and approved by the President of the United States; which has been obtained of the Bank of the United States.

"The measures adopted in pursuance of the act, entitled 'An act making provision for the payment of certain debts of the United States,' passed in the last session of Congress, being in a train for execution, and not completed, will be communicated in a future report.

JOHN ADAMS

"On behalf of the Board.

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Mr. RUTHERFORD, from the committee to whom was referred the bill, entitled "An act to amend the act, entitled 'An act for the more general promulgation of the laws of the United States,'" reported that the bill pass without amendment; and the report was adopted. The bill was then read the third time by unanimous consent, and passed.

The Senate resumed the consideration of the motion made on the 13th instant, respecting the compensations of the officers of the Government; which, being amended,

Ordered, That Messrs. GOODHUE, LAURANCE, and LIVERMORE, be a committee to take into consideration the compensations at present allowed to the officers of the Government and members of the Legislature, with a view (under existing circumstances) of making a more just and liberal provision for them.

Ordered, That Messrs. TRACY, HENRY, and STOCKTON, be a committee to inquire what laws will expire before the next session of Congress, and report thereon to the Senate.

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MONDAY, December 19.

A message from the House of Representatives informed the Senate that they have appointed a joint committee, on their part, for enrolled bills, and request the appointment of a joint committee on the part of the Senate.

Ordered, That Mr. STOCKTON be of the joint committee for enrolled bills on the part of the Senate.

TUESDAY, December 20.

The VICE PRESIDENT communicated to the Senate a Letter from the Secretary for the Department of State, with a report from the Director of the Mint; which were read, and ordered to lie on the table.

ALLOWANCES TO CLERKS OF THE SENATE.

Mr. TRACY, from the committee appointed on the 13th instant, on the motion for an extra allowance to the principal and engrossing clerks in the office of the Secretary of the Senate, reported:

"That, on the 5th day of February, 1796, an act passed appropriating eleven thousand five hundred dollars 'for expenses of fire-wood, stationery, printing work, and all other contingent expenses of the two Houses of Congress, for the year 1796.' They find that the Senate directed the two doorkeepers of the Senate to be paid out of the contingent fund, for their services during the session of June, 1795; and that, at the close of the last session, the House of Representatives directed one hundred dollars each, to be paid out of the contingent fund, to two of the clerks in Mr. Beckley's office, for their extra services. There is no other instance, since the commencement of the Government, of clerks receiving allowances out of the contingent fund.

"The committee find several instances of both Houses having allowed their doorkeepers extra sums out of this fund.

"The principal clerk is allowed by law three dollars per diem, and the engrossing clerk two, during the session. This sum, the committee do not hesitate to say, ought to have been increased for the last session, especially as Mr. Beckley's clerks actually received one hundred dollars each, in addition, for the same period, and similar services.

"The laws of the United States have stated the sums, from time to time, which were thought proper to give the clerks and doorkeepers, and the sums are paid quarterly out of the Treasury; and the accounting officers of the Treasury have paid the extra sums of one hundred dollars each, to Mr. Beckley's clerks, supposing themselves authorized by the resolution of the House of Representatives.

"The words of the Constitution, on the subject of drawing money out of the Treasury, are as follows, viz:

"No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."

"The committee are of opinion that payment for all such services as can properly be specified, and of course become objects of a law, ought to be made out of the Treasury, by virtue of a direct and specific ap-

propriation made by law, and not otherwise; and that no appropriations ought to be made out of the contingent fund, but for such services and necessary articles of expenditure as, in their own nature, are contingent, and cannot, with any propriety, become the objects of an antecedent law.

"And although they are of opinion that it might be well to appropriate by law the sum of one hundred dollars each, to the clerks mentioned in the resolution referred to their consideration; yet, they are fully of opinion it would be improper to direct the payment of that sum out of the contingent fund.

"They, therefore, report it as their opinion that it will be improper for the Senate to adopt the resolution."

The report was read, and ordered to be printed for the use of the Senate.

Mr. TRACY notified the Senate that he should, to-morrow, ask permission to introduce a bill for granting to the principal and engrossing clerks in the office of the Secretary of the Senate, each one hundred dollars, in addition to the compensation allowed by law, for extra services during the last year.

WEDNESDAY, December 21.

THEODORE SEDGWICK, appointed a Senator by the State of Massachusetts, in place of CALEB STRONG, resigned, attended, produced his credentials, and the oath required by law being administered to him, he took his seat in the Senate.

Conformably to notice given yesterday. Mr. TRACY had permission to introduce a bill for granting an extra allowance to the clerks in the office of the Secretary of the Senate; which bill was read the first time, and ordered to a second reading.

THURSDAY, December 22.

The VICE PRESIDENT communicated a Letter from the Secretary for the Department of the Treasury, accompanying statements of tonnage and imports for one year preceding the first of October, 1795; which were read, and ordered to lie on the table.

The bill for granting an extra allowance to the clerks in the office of the Secretary of the Senate, was read the second time; and, being amended, it was, by unanimous consent, read the third time.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be "An act for granting an additional allowance to the clerks in the office of the Secretary of the Senate."

FRIDAY, December 23.

The Senate assembled, but transacted no business.

MONDAY, December 26.

Ordered, That Messrs. BLOUNT, READ, and SEDGWICK, be a committee to report a bill giving effect to the laws of the United States within the State of Tennessee.

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Ordered, That Messrs. TRACY, HENRY, and BROWN, be a committee to inquire what business remained unfinished at the last session, which, in their opinion, is proper for the Senate to take into consideration at the present session.

TUESDAY, December 27.

JOHN EAGER HOWARD, appointed a Senator by the State of Maryland, in place of RICHARD POTTS, resigned, produced his credentials, and the oath required by law being administered, he took his seat in the Senate.

JOSIAH TATNALL, from the State of Georgia, attended.

WEDNESDAY, December 28.

JAMES ROSS, from the State of Pennsylvania, attended.

Mr. TRACY reported, from the committee appointed to inquire what business remained unfinished at the last session, which, in their opinion, is proper for the Senate to take into consideration at the present session; which report was read, and ordered to lie on the table.

On motion,

"That a committee be appointed to take into consideration the report of the Attorney General, of the 28th April last, together with the documents therein referred to, relative to the territorial limits of the State of Georgia, &c.; and thereon to report what shall appear to them to have been the Southern boundary of the said State, from the sea Westward, at the time of the Confederation of American States; and, also, to report, by a description of boundary, what territory, lying to the Southward of the said State boundary, shall appear to belong to the United States."

It was agreed that this motion lie for consideration.

A message from the House of Representatives informs: the Senate that they had passed the bill entitled "An act for the relief of John Sears," in which they desire the concurrence of the Senate.

The bill was read the first time, and ordered to a second reading.

THURSDAY, December 29.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of John Sears," was read the second time, and referred to Messrs. TRACY, ROSS, and PAINE, to consider and report thereon to the Senate.

On motion, permission was given to withdraw the motion postponed yesterday, in order to substitute the following:

"That a committee be appointed to take into consideration the report of the Attorney General of the 28th of April last, together with the documents therein referred to, relative to the territorial limits of the State of Georgia, &c.; and to report what shall appear to them to be the Southern and Western boundaries of the said State; and, also, to report, by a description of boundaries, what territory, if any, lying to the Southward and Westward of the said State boundaries, shall appear to belong to the United States; and what, in their opinion,

it will be proper for Congress to do relative to such territory.

Ordered, That the motion be referred to Messieurs ROSS, MARSHALL, LAURANCE, HENRY, and HILLHOUSE, to consider and report thereon to the Senate.

FRIDAY, December 30.

A motion was made as follows:

"*Resolved*, That provision ought to be made by law for inflicting an adequate punishment on those who shall forge, counterfeit, or alter, the securities of the Bank of the United States; or those who shall utter such securities, knowing them to be forged, counterfeited, or altered, and on those who shall be aiding in the perpetration of either of the said crimes."

Ordered, That this motion be referred to Messieurs SEDGWICK, LIVERMORE, and ROSS, to consider and report thereon to the Senate.

MONDAY, January 2, 1797.

Mr. TRACY reported, from the committee appointed to inquire what laws will expire before the next session of Congress; and the report was read, and ordered to lie for consideration.

Mr. T. also notified the Senate that he should to-morrow ask permission to introduce a bill, in addition to the act for the punishment of certain crimes against the United States.

Ordered, That Messrs. TRACY, BROWN, and ROSS, be a committee to inquire whether any alteration, and if any, what alteration, in their opinion, will be necessary, in the ordinance establishing the Government of the Territory of the United States Northwest of the river Ohio.

TUESDAY, January 3.

Ordered, That Messrs. SEDGWICK, READ, and HENRY, be a committee to inquire whether any, and if any, what further provisions are proper to be made by law respecting fugitives from justice, and persons escaping from the service of their masters.

Conformably to notice given yesterday, Mr. TRACY had permission to introduce a bill repealing the limitation to the act in addition to the act for the punishment of certain crimes against the United States, which bill was read the first time, and ordered to a second reading.

WEDNESDAY, January 4.

The bill repealing the limitation to the act in addition to the act for the punishment of certain crimes against the United States, was read the second time, and referred to Messrs. TRACY, READ, and SEDGWICK, to consider and report thereon to the Senate.

Mr. GOODHUE notified the Senate, that he should, to-morrow, ask permission to introduce a bill to prevent the sale of prizes brought into the United States, by vessels belonging to any foreign Prince or State.

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THURSDAY, January 5.

Conformably to notice given yesterday, a motion was made by Mr. GOODHUE, that he might be permitted to introduce a bill to prevent the sale of prizes brought into the United States by vessels belonging to any foreign Prince or State; and, after debate—

Ordered, That this motion lie for consideration.

FRIDAY, January 6.

A message from the House of Representatives informed the Senate that they had passed "resolutions relative to the balances found due by Commissioners for settling accounts between the United States and the individual States," in which they desire the concurrence of the Senate.

The resolutions were read, and ordered to be printed.

MONDAY, January 9.

Mr. TRACY, from the committee to whom was referred the bill repealing the limitation to the act in addition to the act for the punishment of certain crimes against the United States, reported amendments; which were read, and ordered to lie for consideration.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

Herewith I lay before you, in confidence, reports from the Departments of State and the Treasury, by which you will see the present situation of our affairs with the Dey and Regency of Algiers.

G. WASHINGTON.

UNITED STATES, January 9, 1797.

The Message and papers were read, and ordered to lie for consideration.

TUESDAY, January 10.

The Senate proceeded to consider the report of the committee to whom was referred the bill repealing the limitation to the act in addition to the act for the punishment of certain crimes against the United States; and the bill was amended accordingly, and ordered to a third reading.

WEDNESDAY, January 11.

JOHN VINING, from the State of Delaware, attended.

Mr. SEDGWICK, from the committee appointed the 30th of December last, on the motion relative to forging, counterfeiting, and altering securities of the Bank of the United States, knowingly uttering the same, and aiding in the perpetration of those offences, reported,

"That, in their opinion, it is proper that the said resolution should be adopted by the Senate, and that a committee should be appointed to bring in a bill accordingly."

The report was read and adopted; and the

committee who made the report were instructed to bring in the bill.

The bill repealing the limitation to the act in addition to "the act for the punishment of certain crimes against the United States," and to continue in force the same, was read the third time.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be "An act repealing the limitation to the act in addition to the act for the punishment of certain crimes against the United States, and to continue the same."

Mr. BLOUNT, from the committee appointed for the purpose, reported a bill, giving effect to the laws of the United States within the State of Tennessee; which was read the first time, and ordered to a second reading.

THURSDAY, January 12.

AARON BURR, from the State of New York, and STEVENS THOMSON MASON, from the State of Virginia, attended.

A message from the House of Representatives informed the Senate that they had passed a bill, entitled "An act making provision for the claim of M. Poirey, as secretary and aid-de-camp to Major General Lafayette;" in which they desire the concurrence of the Senate.

The bill was read and ordered to a second reading.

The bill giving effect to the laws of the United States within the State of Tennessee was read the second time; and, being amended, was ordered to a third reading.

Mr. PAINE notified the Senate, that he should to-morrow ask permission to introduce a bill for allowing to the District Judge of Vermont the sum of two hundred dollars, in addition to his present compensation.

FRIDAY, January 13.

The bill giving effect to the laws of the United States within the State of Tennessee was resumed.

Ordered, That the further consideration thereof be postponed.

The bill, sent from the House of Representatives for concurrence, entitled "An act making provision for the claim of M. Poirey, as secretary and aid-de-camp to Major General Lafayette," was read the second time, and referred to Messrs. SEDGWICK, HOWARD, and LIVERMORE, to consider and report thereon to the Senate.

Mr. ROSS laid before the Senate the memorial of the Illinois and Wabash Land Company, which was read, praying that Congress would take their case into consideration.

Ordered, That the memorial lie on the table. Conformably to notice given yesterday, a motion was made by Mr. PAINE, that he might be permitted to introduce a bill for allowing to the District Judge of Vermont the sum of two hundred dollars in addition to his present compensation.

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Ordered, That the consideration of this motion be postponed until Monday next.

Mr. BINGHAM laid before the Senate the petition of I. Simonds and others, inspectors of the customs for the Pennsylvania district, praying for an increase of compensation; which was read, and ordered to lie on the table.

MONDAY, January 16.

The bill giving effect to the laws of the United States within the State of Tennessee, was read the third time.

On motion, to reduce the salary of the District Judge from one thousand to eight hundred dollars, it passed in the negative.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be "An act giving effect to the laws of the United States within the State of Tennessee."

The Senate resumed the consideration of the motion made on the 13th instant, by Mr. PAINE, for permission to bring in a bill for allowing to the District Judge of Vermont the sum of two hundred dollars, in addition to his present compensation; and leave being granted, the bill was read, and ordered to a second reading.

Mr. READ laid before the Senate the petition of Thomas Wright Bacot, postmaster at Charleston, in the State of South Carolina, together with the statement of the present emoluments of his office, and praying additional compensation.

The petition was read, and ordered to lie on the table.

Ordered, That the memorial of the Illinois and Wabash Land Company, together with the printed statement of their claims, be referred to Messrs. ROSS, LIVERMORE, TRACY, TAZEWELL, and STOCKTON, to consider and report thereon to the Senate.

TUESDAY, January 17.

The Senate proceeded to consider the "Resolutions relative to the balances found due by Commissioners for settling accounts between the United States and the individual States."

A motion was made, that it be

"Resolved, That the book marked A, referred to by the Commissioners for the settlement of accounts between the United States and the individual States, in their report dated the 29th of June, 1793, be brought into the Senate for the inspection of the members."

And, after debate—

Ordered, That the consideration of the subject be postponed.

Mr. SEDGWICK, from the committee appointed for the purpose, reported a bill to punish frauds committed on the Bank of the United States; which was read, and ordered to a second reading.

The bill for allowing an additional compensation to the Judge of the District of Vermont, was read the second time, and referred to Messrs. LIVERMORE, LAURANCE, and GOODHUE, to consider and report thereon to the Senate.

WEDNESDAY, January 18.

The Senate resumed the consideration of the motion, made on the 17th instant, on the resolutions sent from the House of Representatives for concurrence, "relative to the balances found due by Commissioners for settling accounts between the United States and the individual States."

And on the question to agree to the motion, as followeth:

"Resolved, That the book marked A, referred to by the Commissioners for the settlement of accounts between the United States and the individual States, in their report dated the 29th of June, 1793, be brought into the Senate for the inspection of the members:"

It passed in the negative—yeas 10, nays 16, as follows:

YEAS.—Messrs. Bloodworth, Burr, Cocke, Henry, Latimer, Laurance, Livermore, Martin, Tazewell, and Vining.

NAYS.—Messrs. Bingham, Bradford, Brown, Foster, Goodhue, Hillhouse, Langdon, Marshall, Paine, Read, Ross, Sedgwick, Stockton, Tattnell, Tichenor, and Tracy.

Ordered, That the resolutions of the House of Representatives be referred to Messrs. GOODHUE, ROSS, LAURANCE, VINING, STOCKTON, READ, and TRACY, to consider, and report to the Senate.

The VICE PRESIDENT communicated a Letter from the Secretary for the Department of War, with a list of invalid pension applicants; which were read, and ordered to lie on the table.

The bill to punish frauds committed on the Bank of the United States was read the second time; and, after debate,

Ordered, That the further consideration thereof be postponed.

THURSDAY, January 19.

The Senate resumed the second reading of the bill to punish frauds committed on the Bank of the United States; and, after debate,

Ordered, That the further consideration thereof be postponed.

FRIDAY, January 20.

Mr. SEDGWICK made report, from the committee appointed on the bill, sent from the House of Representatives for concurrence, entitled "An act making provision for the claim of M. Poirey, as secretary and aid-de-camp to Major General Lafayette;" which report was read, and ordered to lie on the table.

MONDAY, January 23.

The Senate proceeded to consider the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act making provision for the claim of M. Poirey, as secretary and aid-de-camp to Major General Lafayette;" and the report was adopted; and, on the question to agree to the third reading of the bill, it passed in the negative.

Mr. MARTIN notified the Senate that he should,

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to-morrow, request permission to introduce a bill to declare the consent of Congress to an act of the State of North Carolina, passed the first day of December, one thousand seven hundred and ninety-five, entitled "An act to raise a fund for the support of an health and harbor master in the port of Wilmington, in this State." Also, to an act, entitled "An act to empower the Commissioners of Navigation of the port of Wilmington to appoint an health officer and harbor master for the said port."

Mr. LAURANCE laid before the Senate the petition of Mary Hibborn, late widow of Francis Cranberry, a soldier in Captain Johnson's company, in the third New York regiment, commanded by Colonel Peter Gansevelt, deceased, praying the interposition of Congress in relation to the bounty lands due to the said Francis. Also, the petition of Michael Van Kleeck, a matross in the second regiment of New York artillery, during the late war, praying the interposition of Congress respecting certain certificates issued from the War Office in his name to William Stevens, of said regiment, said to have absconded; which petitions were read.

Ordered, That they severally be referred to the Secretary for the Department of War, to consider and report thereon to the Senate.

The Senate resumed the second reading of the bill to punish frauds committed on the Bank of the United States; and, after debate,

Ordered, That the further consideration thereof be postponed.

TUESDAY, January 24.

Conformably to notice given yesterday, a motion was made by Mr. MARTIN, that he might be permitted to introduce a bill to declare the consent of Congress to an act of the State of North Carolina respecting an health officer and harbor master in the port of Wilmington, in that State; and, by unanimous consent, the bill was read the second time.

Ordered, That it be referred to Messrs. HOWARD, MARTIN, and GOODHUE, to consider and report thereon to the Senate.

The Senate resumed the second reading of the bill to punish frauds committed on the Bank of the United States.

Ordered, That the bill be recommitted, and that Messrs. BINGHAM and LAURANCE be added to the committee.

A message from the House of Representatives informed the Senate that they have passed the bill, sent from the Senate for concurrence, entitled "An act giving effect to the laws of the United States within the State of Tennessee," with an amendment; in which they desire the concurrence of the Senate.

The amendment to the bill was read.

Ordered, That the consideration thereof be postponed.

WEDNESDAY, January 25.

The Senate proceeded to consider the amend-

ment of the House of Representatives to the bill, entitled "An act giving effect to the laws of the United States within the State of Tennessee;" and
Resolved, That they do not concur in the said amendment.

The petition of Benjamin Walker, one of the executors, on behalf of himself and the other executor of the late Major General Baron Steuben, was presented and read, praying that an act may be passed to enable the Secretary for the Department of State to issue patents for certain lands granted by the Legislature of Virginia to the said Baron Steuben, agreeably to the original grant.

Ordered, That this petition be referred to Messrs. LAURANCE, TAZEVELL, and HENRY, to consider and report thereon to the Senate.

THURSDAY, January 26.

The VICE PRESIDENT laid before the Senate the report of the Commissioners of the Sinking Fund; which was read, as follows:

"The Commissioners of the Sinking Fund respectfully report to Congress, that, in pursuance of the powers committed to them by the act, entitled "An act making provision for the payment of certain debts of the United States," passed in the last session of Congress, they have authorized sales of a part of the capital stock of the Bank of the United States, belonging to the United States, the proceeds of which have been applied to discharge certain debts according to law.

"The particulars and amount of the said sales, and the measures authorized by the Board for the execution of their trust, so far as the same have been completed, are represented in the report of the Secretary of the Treasury, dated the 24th instant, and in the proceedings of the accounting officers therein referred to, which are herewith transmitted, and prayed to be received as part of this report.

"On behalf of the Board:

"JOHN ADAMS.

"January 25, 1797."

The Secretary of the Treasury respectfully reports to the Commissioners of the Sinking Fund, that, in pursuance of the act, entitled "An act making provision for the payment of certain debts of the United States," passed on the 31st day of May, 1796, and a resolution of the Board, passed on the 5th day of August last, he has caused two thousand one hundred and sixty shares of the Bank of the United States, belonging to the United States, to be sold, on a credit of sixty days, without interest, at the rate of five hundred dollars, or twenty-five per centum advance on the original capital.

The proceeds of the said sales, amounting to one million and eighty thousand dollars, have been received and placed in the Treasury of the United States, as appears by the proceedings of the accounting officers of the Treasury, herewith transmitted, showing the dates and particulars of the said sales.

As the proceeds of the said sales were destined to reimburse a part of the debt due to the Bank of the United States, it was agreed with the Bank that the moneys should be applied to the credit of the United States from the dates of the respective payments.

In addition to the proceeds of the said Bank stock, the Secretary has obtained the sum of one hundred and twenty thousand dollars, on the credit of the six per

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cent. stock, authorized to be constituted by the act before mentioned; and has, moreover, taken eventual measures for reimbursing the debt due to the Bank of New York.

When these measures shall have been executed and adjusted, they will be reported to the Board.

The fund of twelve hundred thousand dollars, obtained as abovementioned, has been applied to discharge the following debts due to the Bank of the United States, viz:

To the payment of the instalments due on a loan of \$400,000, obtained pursuant to the act, entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes," passed on the 2d day of May, 1792	\$300,000
To the payment of part of an instalment of a loan obtained pursuant to an act authorizing a loan of two millions, passed on the 18th of December, 1794	300,000
To the payment of two instalments of the subscription loan for Bank stock, due on the last days of December, 1795 and 1796	400,000
To the payment of the first instalment of the loan of \$800,000, obtained pursuant to an act passed on the 21st of February, 1795	200,000

Amounting, as abovementioned, to - 1,200,000

" All which is respectfully submitted, by
OLIVER WOLCOTT,
Secretary of the Treasury.
TREASURY DEPARTMENT, January 24, 1797.

Ordered, That the report, and documents accompanying it, lie on the table.

A message from the House of Representatives informed the Senate that they insist on their amendment to the bill, entitled "An act giving effect to the laws of the United States within the State of Tennessee."

Resolved, That the Senate do recede from their disagreement to the amendment above mentioned.

Mr. HOWARD reported, from the committee to whom was referred the bill respecting the appointment of an health officer and harbor master for the port of Wilmington, in the State of North Carolina; and, after debate,

Ordered, That the further consideration thereof be postponed.

FRIDAY, January 27.

JOHN HUNTER, appointed a Senator by the State of South Carolina, in place of PIERCE BUTLER, resigned, attended, produced his credentials, and the oath required by law being administered to him, he took his seat in the Senate.

The VICE PRESIDENT laid before the Senate the reports of the Secretary for the Department of War on the petitions of Mary Hibborn and Michael Van Kleeck; which were respectively read.

Ordered, That they lie on the table.

The Senate resumed the consideration of the report of the committee to whom was referred the bill respecting the appointment of an health officer and harbor master for the port of Wil-

ilmington, in the State of North Carolina; and, after debate,

Ordered, That the further consideration thereof be postponed.

Mr. LIVERMORE made report from the committee to whom was referred the bill allowing an additional compensation to the Judge of the District of Vermont; and the report was read, and ordered to lie for consideration.

The VICE PRESIDENT communicated a letter from Samuel Meredith, Treasurer of the United States, with his account of expenditures in the War Department for the quarter ending 31st December, 1796; which was read, and ordered to lie for consideration.

Ordered, That Messrs. TAZEVELL, LANGDON, and BROWN, be a committee to examine, and report to the Senate, what number of States have ratified the amendments proposed by the two Houses of Congress to the Constitution, which amendments have not as yet been announced as forming a part of the Constitution, and report thereon to the Senate.

MONDAY, January 30.

On motion,

"That a committee be appointed, to join such committee as may be appointed by the House of Representatives, to ascertain and report a mode for examining the votes for President and Vice President, and of notifying the persons elected of their election, and for regulating the time, place, and manner, of administering the oath of office to the President."

It was agreed that the motion lie until to-morrow.

Mr. GOODHUE reported from the committee to whom was referred the consideration of the compensations at present allowed to the officers of the Government and members of the Legislature, with a view, (under existing circumstances,) of making a more just and liberal provision for them; and the report was read.

Ordered, That it lie for consideration.

Mr. SEDGWICK, from the committee to whom was recommitteed the bill to punish frauds committed on the Bank of the United States, reported amendments; which were read.

Ordered, That they be printed for the use of the members.

TUESDAY, January 31.

The Senate resumed the consideration of the motion made yesterday, respecting the mode of counting the votes for PRESIDENT and VICE PRESIDENT of the United States; whereupon,

Resolved, That Messrs. SEDGWICK, LAURANCE, and READ, be a joint committee on the part of the Senate, with such committee as may be appointed by the House of Representatives, to ascertain and report a mode of examining the votes for PRESIDENT and VICE PRESIDENT, and of notifying the persons elected of their election, and for regulating the time, place, and manner, of administering the oath of office to the PRESIDENT.

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The Senate resumed the consideration of the report of the committee to whom was referred the subject of compensations to the officers of Government; and, after debate,

Ordered, That the further consideration thereof be postponed.

Mr. TAZEWELL reported, from the committee on the subject of amendments to the Constitution of the United States, which was read, as follows:

"That of the twelve amendments proposed by Congress, at their session begun and held in New York on the 4th of March, 1789, the following States ratified the 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, prior to the first day of March, 1791, viz: New Jersey, Maryland, North Carolina, South Carolina, New Hampshire, Delaware, New York, Pennsylvania, and Rhode Island; which States, making three-fourths of the then thirteen United States, the said amendments have become a part of the Constitution.

"That the first amendment was ratified prior to the first day of March, 1791, by the following States, viz: New Jersey, Maryland, North Carolina, South Carolina, New Hampshire, New York, and Rhode Island, and, subsequent to that period, by Pennsylvania, Virginia, and Vermont; which number not making three-fourths of the States at the period of ratification, the said amendment has not as yet become a part of the Constitution.

"That the second amendment was ratified prior to the 1st day of March, 1791, by the following States: Maryland, North Carolina, South Carolina, Delaware, and, subsequent to that period, by Virginia and Vermont; which number not making three-fourths of the States, the said amendment has not become a part of the Constitution.

"That the amendment respecting the suability of States, which has been proposed by Congress since March, 1791, has been ratified by the following States: New York, Massachusetts, Vermont, New Hampshire, Georgia, Delaware, Rhode Island, and North Carolina, as appears by authentic documents returned to Congress. The committee have strong reasons to believe that other States have ratified this latter amendment, and that the evidences of the fact have not been as yet returned to the proper Departments of the Government; wherefore, as the number returned do not amount to three-fourths of the States, the said amendment cannot, under present circumstances, be reported as forming a part of the Constitution."

Whereupon,

Resolved, by the Senate and House of Representatives of the United States, That the PRESIDENT be requested to adopt some speedy and effectual means of obtaining information from the States of Connecticut, New Jersey, Pennsylvania, Maryland, Virginia, Kentucky, Tennessee, and South Carolina, whether they have ratified the amendment proposed by Congress to the Constitution concerning the suability of States; if they have, to obtain the proper evidences thereof.

Ordered, That the Secretary desire the concurrence of the House of Representatives in this resolution.

A motion was made, that a Journal, to be denominated the Secret Journal, shall be provided and kept by the Secretary of the Senate, in which shall be entered such parts of the proceedings of the Senate, in their Legislative capacity, as they

shall deem proper to be kept secret; and it passed in the negative.

Mr. MARTIN laid before the Senate a letter from the Governor of the State of North Carolina, enclosing the petition of I. Glasgow and others, praying Congress to extinguish the Indian titles granted to the said Glasgow & Co. by the State of North Carolina.

Ordered, That the letter and enclosures be referred to MESSRS. HILLHOUSE, HENRY, MARTIN, LAURANCE, and READ, to consider and report thereon to the Senate.

Mr. MASON notified the Senate that he should, to-morrow, ask permission to introduce a bill to amend the act, entitled "An act to amend the act, entitled 'An act to enable the officers and soldiers of the Virginia Line, on Continental Establishment to obtain titles to certain lands lying Northwest of the river Ohio, and between the Little Miami and Sciota.'"

WEDNESDAY, February 1.

Mr. GOODHUE reported, from the committee to whom was referred the "Resolutions relative to the balances found due by the Commissioners for settling accounts between the United States and the individual States;" which was read.

Ordered, That it lie on the table.

The Senate resumed the consideration of the report of the committee to whom was referred the bill to punish frauds committed on the Bank of the United States, and having amended the same, it was adopted, and the bill amended accordingly.

Ordered, That this bill pass to a third reading.

Conformably to notice given yesterday, Mr. MASON requested and obtained leave to introduce a bill to amend the act, entitled "An act to amend the act, entitled 'An act to enable the officers and soldiers of the Virginia Line, on Continental Establishment, to obtain titles to certain lands lying Northwest of the river Ohio, and between the Little Miami and Sciota.'"

A message from the House of Representatives informed the Senate that they concur in the resolution sent from the Senate, appointing a joint committee to report the mode of examining and counting the votes for PRESIDENT and VICE PRESIDENT of the United States, and have appointed a joint committee on their part.

THURSDAY, February 2.

Mr. SEDGWICK reported, from the joint committee appointed on the part of the Senate, on the subject of the election of PRESIDENT and VICE PRESIDENT, that, in their opinion, the following resolution ought to be adopted, viz:

"That the two Houses shall assemble in the Chamber of the House of Representatives on Wednesday next, at twelve o'clock; that one person be appointed a teller, on the part of the Senate, to make a list of the votes as they shall be declared: That the result shall be delivered to the President of the Senate, who shall announce the state of the vote, and the persons elected, to the two Houses assembled as aforesaid; which shall

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be deemed a declaration of the persons elected President and Vice President, and, together with a list of votes, be entered on the Journals of the two Houses."

On motion, it was agreed to adopt the report, and that Mr. SEDGWICK be the teller of the votes on the part of the Senate.

The bill to punish frauds committed on the Bank of the United States was read the third time.

On motion, to substitute the punishment of death in place of fourteen years' imprisonment, it passed in the negative.

On motion, it was agreed to postpone the question on the final passing of this bill until Monday next.

The Senate resumed the consideration of the report of the committee on compensations to the officers of Government, and it was agreed to consider the report, article by article; and, the report being amended, was agreed to as follows:

Resolved, That there be allowed to the PRESIDENT OF THE UNITED STATES five thousand dollars per annum, in addition to his compensation by law established, to commence the fourth of March next, and to continue for the term of four years.

Resolved, That there be allowed to the VICE PRESIDENT OF THE UNITED STATES two thousand dollars per annum, in addition to his compensation by law established, to commence the fourth of March next, and to continue for the term of four years.

Resolved, That there be allowed to the members of the Senate,

To the members of the House of Representatives,

To the Secretary of the Department of State,
To the Secretary of the Department of the Treasury,

To the Secretary of the Department of War,

To the Attorney General,

To the Postmaster General,

To the Assistant Postmaster General,

To the Comptroller of the Treasury,

To the Auditor of the Treasury,

To the Register of the Treasury,

To the Commissioner of the Revenue,

To the Accountant of the War Department,

To the Secretary of the Senate,

To the Clerk of the House of Representatives, and to the clerks by them severally employed, twenty-five per centum, in addition to the sums they are now respectively allowed by law; which additional compensations shall commence on the first day of January, one thousand seven hundred and ninety-seven, and continue for the term of two years.

Ordered, That the committee who made the report bring in a bill accordingly.

Resolved, That the Secretary of War be required to report to the Senate, on the different communications of the Governors of Georgia, respecting the pay of militia ordered into service for the protection of the said State.

FRIDAY, February 3.

Agreeably to the instruction, Mr. GOODHUE reported, from the committee, a bill for increasing the compensations allowed to the members of the Legislature and certain officers of the Government, for a limited time; which was read, and ordered to a second reading.

A message from the House of Representatives informed the Senate that they have agreed to the report of the joint committee upon the mode of examining the votes for PRESIDENT and VICE PRESIDENT OF THE UNITED STATES, and have appointed tellers of the votes on their part.

The Senate resumed the consideration of the report of the committee, to whom was referred the resolutions of the House of Representatives of the 5th of January, 1797, respecting certain individual States, found by the Commissioners to be indebted to the United States; and, after debate,

Ordered, That the further consideration thereof be postponed.

Mr. ROSS reported, from the committee to whom was referred the memorial of the Illinois and Wabash Land Company; and the report was read, and ordered to lie on the table.

Ordered, That the bill respecting the appointment of a health officer and harbor master for the port of Wilmington, in the State of North Carolina, be recommitted.

MONDAY, February 6.

The bill for increasing the compensations allowed to the members of the Legislature, and certain officers of the Government, for a limited time, was read the second time.

On motion, to expunge the following words from the second enacting clause of the bill, "to the members of the Senate, to the members of the House of Representatives," it passed in the negative—yeas 8, nays 18, as follows:

YEAS.—Messrs. Bloodworth, Bradford, Cocke, Langdon, Martin, Mason, Ross, and Tazewell.

NAYS.—Messrs. Bingham, Blount, Brown, Foster, Goodhue, Henry, Hillhouse, Howard, Latimer, Lurance, Livermore, Marshall, Paine, Read, Sedgwick, Stockton, Tichenor, and Vining.

On motion, to agree to the second enacting clause of the bill, amended as follows:

"And be it further enacted, That there shall be allowed to the members of the Senate,

To the members of the House of Representatives,

To the Secretary of the Department of State,

To the Secretary of the Department of Treasury,

To the Secretary for the Department of War,

To the Attorney General,

To the Postmaster General,

To the Assistant Postmaster General,

To the Comptroller of the Treasury,

To the Auditor of the Treasury,

To the Register of the Treasury,

To the Commissioner of the Revenue,

To the Accountant of the War Department,

To the Secretary of the Senate,

To the Clerk of the House of Representatives, and to the Clerks by the Secretary of the Senate and Clerk

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of the House of Representatives severally employed, to the Sergeant-at-Arms of the House of Representatives, and to the Doorkeepers and the Assistant Doorkeepers of the respective Houses of Congress, twenty-five per centum in addition to the sums they are now respectively allowed by law; which additional compensations shall commence on the first day of January, one thousand seven hundred and ninety-seven, and continue for the term of two years."

It passed in the affirmative—yeas 20, nays 7, as follows:

YEAS.—Messrs. Bingham, Bradford, Brown, Foster, Goodhue, Henry, Hillhouse, Latimer, Laurance, Livermore, Marshall, Paine, Read, Ross, Sedgwick, Stockton, Tazewell, Tichenor, Tracy, and Vining.

NAYS.—Messrs. Bloodworth, Blount, Cocke, Howard, Langdon, Martin, and Mason.

Ordered, That this bill pass to the third reading as amended.

The Senate resumed the third reading of the bill to punish frauds committed on the Bank of the United States.

On motion to agree to the passing of this bill, it was determined in the negative; yeas 14, nays 14—as follows:

YEAS.—Messrs. Bingham, Foster, Goodhue, Henry, Hillhouse, Howard, Latimer, Laurance, Marshall, Ross, Rutherford, Sedgwick, Stockton, and Vining.

NAYS.—Messrs. Bloodworth, Blount, Bradford, Brown, Cocke, Langdon, Livermore, Martin, Mason, Paine, Read, Tattall, Tazewell, and Tichenor.

The VICE PRESIDENT determined the question in the negative.

The Senate resumed the consideration of the report of the committee on the resolutions sent from the House of Representatives for concurrence, relative to the balances found due by Commissioners for settling accounts between the United States and the individual States.

On motion to postpone the consideration of this subject to the first Monday in December next, it passed in the negative.

On motion to recommit the report, it passed in the negative; and, after debate,

Ordered, That the further consideration thereof be postponed.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act in addition to the act, entitled 'An act to establish the Post Office and Post Roads within the United States,' in which they desire the concurrence of the Senate.

The bill was read, and ordered to a second reading.

TUESDAY, February 7.

The bill for increasing the compensations allowed to the members of the Legislature and certain officers of the Government, for a limited time, was read the third time.

And, on the question to agree to the bill, as amended, it was determined in the affirmative—yeas 18, nays 10, as follows:

YEAS.—Messrs. Bingham, Bradford, Foster, Goodhue, Hillhouse, Latimer, Laurance, Livermore, Marshall, Paine, Read, Ross, Rutherford, Sedgwick, Stockton, Tichenor, Tracy, and Vining.

NAYS.—Messrs. Bloodworth, Blount, Brown, Cocke, Howard, Hunter, Langdon, Martin, Mason, and Tattall.

So it was *Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act for increasing the compensations allowed to the members of the Legislature and certain officers of the Government, for a limited time."

The Senate resumed the consideration of the report of the committee on the resolutions, sent from the House of Representatives for concurrence, "relative to the balances found due by Commissioners for settling accounts between the United States and the individual States;" and, having adopted the same, it was

Resolved, That they do concur therein with an amendment.

The bill, sent from the House of Representatives for concurrence, entitled "An act in addition to the act, entitled 'An act to establish the Post Office and Post Roads within the United States,'" was read the second time, and referred to Messrs. READ, TRACY, LAURANCE, ROSS, BROWN, HOWARD, and MARTIN, to consider, and report thereon to the Senate.

The Senate proceeded to consider the report of the Secretary for the Department of War on the petition of Mary Hibborn. Whereupon,

Resolved, That the prayer of the petitioner cannot be granted.

The VICE PRESIDENT laid before the Senate the petition of Philip Wilson, praying relief and compensation for the loss of the ship *Mentor*, during the late war; which was read, and ordered to lie on the table.

WEDNESDAY, February 8.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary for the Department of War, accompanying a list of invalid pension applicants, belonging to the State of New Jersey; which was read, and ordered to lie on the table.

A message from the House of Representatives informed the Senate that they are ready to meet the Senate in the Chamber of that House, agreeably to the report of the joint committee, to attend the opening and examining the votes of the Electors for PRESIDENT and VICE PRESIDENT OF THE UNITED STATES, as the Constitution provides.

The two Houses of Congress accordingly assembled in the Representatives' Chamber, and the certificates of the Electors of sixteen States were, by the VICE PRESIDENT, opened and delivered to the tellers, appointed for the purpose, who, having examined and ascertained the number of votes, presented a list thereof to the VICE PRESIDENT, which was read, as follows:

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FOR JOHN ADAMS.

North Carolina	-	-	-	1
Virginia	-	-	-	1
Maryland	-	-	-	7
Delaware	-	-	-	3
Pennsylvania	-	-	-	1
New Jersey	-	-	-	7
New York	-	-	-	12
Connecticut	-	-	-	9
Rhode Island	-	-	-	4
Massachusetts	-	-	-	16
Vermont	-	-	-	4
New Hampshire	-	-	-	6

71

FOR THOMAS JEFFERSON.

Tennessee	-	-	-	3
Kentucky	-	-	-	4
Georgia	-	-	-	4
South Carolina	-	-	-	8
North Carolina	-	-	-	11
Virginia	-	-	-	20
Maryland	-	-	-	4
Pennsylvania	-	-	-	14

58

FOR THOMAS PINCKNEY.

South Carolina	-	-	-	8
North Carolina	-	-	-	1
Virginia	-	-	-	1
Maryland	-	-	-	4
Delaware	-	-	-	3
Pennsylvania	-	-	-	2
New Jersey	-	-	-	7
New York	-	-	-	12
Connecticut	-	-	-	4
Massachusetts	-	-	-	13
Vermont	-	-	-	4

59

FOR AARON BURR.

Tennessee	-	-	-	3
Kentucky	-	-	-	4
North Carolina	-	-	-	6
Virginia	-	-	-	1
Maryland	-	-	-	3
Pennsylvania	-	-	-	13

30

FOR SAMUEL ADAMS.

Virginia	-	-	-	15
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FOR OLIVER ELLSWORTH.

Rhode Island	-	-	-	4
Massachusetts	-	-	-	1
New Hampshire	-	-	-	6

11

FOR SAMUEL JOHNSTON.

Massachusetts	-	-	-	2
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FOR JAMES IREDELL.

North Carolina	-	-	-	3
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FOR JOHN JAY.

Connecticut	-	-	-	5
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FOR GEORGE CLINTON.

Georgia	-	-	-	4
Virginia	-	-	-	3

7

FOR GEORGE WASHINGTON.

North Carolina	-	-	-	1
Virginia	-	-	-	1

2

FOR CHARLES COTESWORTH PINCKNEY.

North Carolina	-	-	-	1
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FOR JOHN HENRY.

Maryland	-	-	-	2
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Whereupon, the VICE PRESIDENT addressed the two Houses of Congress, as follows:

In obedience to the Constitution and Law of the United States, and to the commands of both Houses of Congress, expressed in their resolution passed in the present session, I now declare that

JOHN ADAMS is elected President of the United States, for four years, to commence with the fourth day of March next; and that

THOMAS JEFFERSON is elected Vice President of the United States, for four years, to commence with the fourth day of March next. And may the Sovereign of the Universe, the ordainer of civil government on earth, for the preservation of liberty, justice, and peace, among men, enable both to discharge the duties of these offices conformably to the Constitution of the United States, with conscientious diligence, punctuality, and perseverance.

The VICE PRESIDENT then delivered the votes of the Electors to the Secretary of the Senate, the two Houses of Congress separated, and the Senate returned to their own Chamber, and soon after adjourned.

THURSDAY, February 9.

The VICE PRESIDENT laid before the Senate the following communication:

Gentlemen of the Senate:

In consequence of the declaration made yesterday in the Chamber of the House of Representatives of the election of a President and Vice President of the United States, the record of which has just now been read from your Journal by your Secretary, I have judged it proper to give notice that, on the 4th of March next, at 12 o'clock, I propose to attend again in the Chamber of the House of Representatives, in order to take the oath prescribed by the Constitution of the United States to be taken by the President, to be administered by the Chief Justice or such other Judge of the Supreme Court of the United States as can most conveniently attend; and, in case none of those Judges can attend, by the Judge of the District of Pennsylvania, before such Senators and Representatives of the United States as may find it convenient to honor the transaction with their presence.

Ordered, That the Secretary carry an attested

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copy of this communication to the House of Representatives.

Ordered, That Messrs. SEDGWICK, TAZEVELL, and READ, be a joint committee, with such committee as may be appointed on the part of the House of Representatives, to consider whether any, and, if any, what, measures ought to be adopted for the further accommodation of the PRESIDENT OF THE UNITED STATES, for the term commencing on the 4th day of March next.

Ordered, That the Secretary desire the concurrence of the House of Representatives in the appointment of a joint committee on their part.

A message from the House of Representatives informed the Senate that they have agreed to the report of the joint committee appointed to ascertain and report a mode of examining the votes for PRESIDENT and VICE PRESIDENT OF THE UNITED STATES, and of notifying the persons elected of their election.

They have passed a bill, entitled "An act to alter and amend an act, entitled 'An act to ascertain and fix the Military Establishment of the United States;'" in which they desire the concurrence of the Senate.

The bill was read, and, by unanimous consent, the bill was read the second time.

Ordered, That this bill be referred to Messrs. BURR, GUNN, and HOWARD, to consider and report thereon to the Senate.

Ordered, That the memorial of Anthony Walton White, and the papers therein referred to, be committed to Messrs. BURR, TRACY, and ROSS, to consider and report thereon to the Senate.

Mr. SEDGWICK, from the joint committee to whom it was referred to join such committee as might be appointed by the House of Representatives to ascertain and report a mode of examining the votes for PRESIDENT and VICE PRESIDENT OF THE UNITED STATES, and of notifying the persons elected of their election, reported that, having further concurred with the committee appointed by the House of Representatives, that, in their opinion, the following resolution ought to be adopted by the Senate:

"*Resolved*, That the Secretary of the Senate be directed to give, by letter, to the Vice-President elect, a notification of his election."

On motion, it was agreed to insert the PRESIDENT of the Senate instead of the Secretary; and,

On motion, it was agreed to reconsider the resolution, and to recommit the report from the joint committee.

Mr. SEDGWICK reported, from the joint committee last mentioned, that the committee on the part of the House of Representatives considered themselves discharged from their commission.

Resolved, That the Senate disagree to the report of the joint committee on the mode of notifying the VICE PRESIDENT elect of his election; and that a committee be appointed on the part of the Senate, to confer with such committee as may be appointed on the part of the House of Representatives, on the report of the joint committee abovementioned; and that Messrs. SEDGWICK,

LAURANCE, and READ, be the managers at the conference on the part of the Senate.

Ordered, That the Secretary acquaint the House of Representatives therewith.

On motion, that it be

"*Resolved*, That the Secretary of the Senate be directed, and he is hereby directed, to lay before the President of the United States a copy of the Journal of yesterday, relative to the opening and counting the votes for President and Vice President of the United States, and the declaration of the President of the Senate thereon; and, also, to present to the President of the United States a copy of the notification given by the President elect of the time, place, and manner, of qualifying to execute the duties of his office."

Ordered, That the motion lie until to-morrow for consideration.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary for the Department of the Treasury, accompanying a statement of goods, wares, and merchandise, exported from the United States during one year prior to the 30th day of September, 1796, in conformity to the resolution of the Senate, passed on the 10th day of February last.

The Letter and statement were read, and ordered to be printed for the use of the Senate.

A message from the House of Representatives informed the Senate that they have rescinded their resolution on the report of the joint committee on the mode of notifying the VICE PRESIDENT elect of his election, and have agreed to the conference proposed by the Senate on the subject, and have appointed managers at the same on their part.

They also concur in the resolution for appointing a joint committee to consider whether any, and what, measures ought to be adopted for the further accommodation of the PRESIDENT OF THE UNITED STATES, for the term commencing the 4th of March next; and have appointed a joint committee on their part.

FRIDAY, February 10.

The Senate resumed the consideration of the motion made yesterday, that the Secretary of the Senate wait on the PRESIDENT OF THE UNITED STATES, and notify him of the election of PRESIDENT and VICE PRESIDENT OF THE UNITED STATES, to commence with the 4th day of March next.

On motion, to insert "a committee" in place of "the Secretary," it passed in the negative. And the motion being amended, was adopted as follows:

Ordered, That the Secretary of the Senate lay before the PRESIDENT OF THE UNITED STATES a copy of the Journal of the 8th instant, relative to the opening and counting the votes for PRESIDENT and VICE PRESIDENT OF THE UNITED STATES, and the declaration of the PRESIDENT of the Senate consequent thereon; and, also, a copy of the notification given by the PRESIDENT elect of the time, place, and manner of qualifying to execute the duties of his office.

A message from the House of Representatives informed the Senate that they agree to the report

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of the joint committee appointed by the two Houses to confer on a proper mode of notifying the VICE PRESIDENT elect of his election.

The House of Representatives disagree to the bill sent from the Senate for concurrence, entitled "An act for increasing the compensations allowed to the members of the Legislature and certain officers of the Government for a limited time."

Mr. SEDGWICK, from the committee of conference abovementioned, reported that the following resolution should be adopted by the House of Representatives:

"Resolved, That the notification of the election of the Vice President elect be made by such person and in such manner as the Senate may direct."

On motion, that it be

"Resolved, That the President of the United States be requested to communicate (in such manner as he shall judge most proper) to the person elected Vice President of the United States, for the term of four years, to commence 4th day of March next, information of his said election."

It passed in the negative.

Ordered, That the resolution this day agreed to by the House of Representatives, relative to the notification of the election of the VICE PRESIDENT elect, be referred to Messrs. MASON, HILLHOUSE, and SEDGWICK, to consider and report thereon to the Senate.

Mr. MASON reported, from the committee last appointed; and, the report being read, was amended and adopted, as follows:

Resolved, That the PRESIDENT OF THE UNITED STATES be requested to cause to be transmitted to THOMAS JEFFERSON, Esq., of Virginia, VICE PRESIDENT elect of the United States notification of his election to that office; and that the PRESIDENT of the Senate do make out and sign a certificate in the words following:

"Be it known, that the Senate and House of Representatives of the United States of America, being convened in the city of Philadelphia, on the second Wednesday in February, in the year of our Lord one thousand seven hundred and ninety-seven, the underwritten Vice President of the United States and President of the Senate did, in the presence of the said Senate and House of Representatives, open all the certificates and count all the votes of the Electors for a President and for a Vice President; by which it appears that THOMAS JEFFERSON, Esquire, was duly elected, agreeably to the Constitution, Vice President of the United States of America.

"In witness whereof, I have hereunto set my hand and seal, this 10th day of February, 1797."

Ordered, That the Secretary lay this resolution before the PRESIDENT OF THE UNITED STATES.

MONDAY, February 13.

On request, the VICE PRESIDENT was excused from further attendance in the Senate after Wednesday next.

Mr. COCKE laid before the Senate the address and remonstrance of the Legislature of the State of Tennessee, requesting the interposition of Con-

gress for the extinguishment of the Indian title to certain lands therein mentioned; which was read.

Ordered, That it be referred to the committee appointed on the 31st of January last, on the Letter and enclosures from the Governor of North Carolina, to consider and report thereon to the Senate.

Mr. SEDGWICK notified the Senate that he should, to-morrow, request permission to introduce a bill concerning the Circuit Courts of the United States.

Mr. TRACY reported from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of John Sears."

On the question to agree to the bill in paragraphs, it passed in the negative.

Resolved, That the Senate do not concur in this bill.

TUESDAY, February 14.

Conformably to notice given yesterday, Mr. SEDGWICK was permitted to introduce a bill concerning the Circuit Courts of the United States; which was read, and ordered to a second reading.

Mr. BLOODWORTH laid before the Senate the memorial and petition of I. Glasgow and others, for and by request of a large number of the holders of lands entered in the office of John Armstrong, Esq., late entry-taker of Western lands, and since ceded to the United States by the State of North Carolina; which was read, and

Ordered, That it be referred to the committee appointed the 31st of January last on the Letter and enclosures from the Governor of North Carolina, to consider and report thereon to the Senate.

Mr. SEDGWICK reported, from the joint committee appointed to consider whether any, and if any, what, measures ought to be adopted for the further accommodation of the PRESIDENT OF THE UNITED STATES, for the term commencing the 4th day of March next; which was read, and ordered to lie for consideration.

WEDNESDAY, February 15.

The bill concerning the Circuit Courts of the United States was read the second time and amended.

Ordered, That it be referred to Messrs. SEDGWICK, LIVERMORE, and VINING, to consider and report thereon to the Senate.

Mr. FOSTER laid before the Senate the petition of Samuel Aborn, jun., and David Straight, of the State of Rhode Island, praying the aid of Congress in obtaining a new register for a certain schooner Polly, purchased in the West Indies, refused by the officer of the revenue on account of certain informalities in the sale of the said schooner; which petition was read.

Ordered, That it be referred to the Secretary for the Department of Treasury, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that they have passed a bill,

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entitled "An act to provide more effectually for the settlement of accounts between the United States and Receivers of Public Money;" a bill, entitled "An act repealing in part the 'Act concerning the duties on spirits distilled within the United States,' passed the 8th day of May, 1792, and imposing certain duties on the capacity of stills of a particular description;" and a bill, entitled "An act granting a certain sum of money to the widow and children of John de Neufville, deceased;" in which bills they desire the concurrence of the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I lay before you an official statement of the expenditure to the end of the year 1796, from the sums heretofore granted to defray the contingent charges of the Government.
G. WASHINGTON.

UNITED STATES, February 15, 1797.

The Message and papers were read, and ordered to lie on the table.

The bills last brought from the House of Representatives for concurrence were read.

Ordered, That they severally pass to the second reading; and it was agreed, by unanimous consent, that the bill, entitled "An act granting a certain sum of money to the widow and children of John de Neufville, deceased," be now read the second time.

Ordered, That it be referred to Messrs. TRACY, LANGDON, and TAZEVELL, to consider and report thereon to the Senate.

On motion, it was agreed, by unanimous consent, to dispense with the rule, and that the bill, entitled "An act repealing in part the 'Act concerning the duties on spirits distilled within the United States,' passed the 8th of May, 1792, and imposing certain duties on the capacity of stills of a particular description," be now read the second time.

Ordered, That it be referred to Messrs. SEDGWICK, ROSS, and MARSHALL, to consider and report thereon to the Senate.

After the consideration of the Executive business, a motion was made that the Senate now adjourn; when the VICE PRESIDENT addressed them as follows:

Gentlemen of the Senate:

If, in the general apprehension of an intention to retire in that most eminent citizen, to whom all eyes had been directed, and all hearts attracted, as the centre of our Union, for so long a period, the public opinion had exhibited any clear indication of another, in whom our fellow-citizens could have generally united, as soon as I read that excellent Address, which announced the necessity of deliberation in the choice of a President, I should have imitated the example of a character with which I have co-operated, though in less conspicuous and important stations, and maintained an uninterrupted friendship, for two and twenty years. But, as a number of characters appeared to stand in the general estimation so nearly on a level, as to render it difficult to conjecture on which the majority would fall; considering the relation in which I stood to the people of

America, I thought it most respectful to them, and most conducive to the tranquility of the public mind, to resign myself, with others, a silent spectator of the general deliberation, and a passive subject of public discussions.

Deeply penetrated with gratitude to my countrymen in general, for their long continued kindness to me, and for that steady and affecting confidence, with which those who have most intimately known me, from early life, have, on so many great occasions, intrusted to me the care of their dearest interests; since a majority of their Electors, though a very small one, have declared in my favor, and since, in a Republican Government, the majority, though ever so small, must of necessity decide, I have determined, at every hazard of a high but just responsibility, though with much anxiety and diffidence, once more to engage in their service. Their confidence, which has been the chief consolation of my life, is too precious and sacred a deposit ever to be considered lightly: as it has been founded only on the qualities of the heart, it never has been, it never can be, deceived, betrayed, or forfeited by me.

It is with reluctance, and with all those emotions of gratitude and affection, which a long experience of your goodness ought to inspire, that I now retire from my seat in this House, and take my leave of the members of the Senate.

I ought not to declare, for the last time, your adjournment, before I have presented to every Senator present, and to every citizen who has ever been a Senator of the United States, my thanks, for the candor and favor invariably received from them all. It is a recollection of which nothing can ever deprive me, and it will be a source of comfort to me, through the remainder of my life, that as, on the one hand, in a Government constituted like ours, I have for eight years held the second situation under the Constitution of the United States, in perfect and uninterrupted harmony with the first, without envy in one, or jealousy in the other; so, on the other hand, I have never had the smallest misunderstanding with any member of the Senate. In all the abstruse questions, difficult conjunctures, dangerous emergencies, and animated debates, upon the great interests of our country, which have so often and so deeply impressed all our minds, and interested the strongest feelings of the heart, I have experienced a uniform politeness and respect from every quarter of the House.

When questions of no less importance than difficulty have produced a difference of sentiment, (and difference of opinion will always be found in free assemblies of men, and probably the greatest diversities upon the greatest questions,) when the Senators have been equally divided, and my opinion has been demanded according to the Constitution, I have constantly found, in that moiety of the Senators from whose judgment I have been obliged to dissent, a disposition to allow me the same freedom of deliberation, and independence of judgment, which they asserted for themselves.

Within these walls, for a course of years, I have been an admiring witness of a succession of information, eloquence, patriotism, and independence, which, as they would have done honor to any Senate in any age, afford a consolatory hope, (if the Legislatures of the States are equally careful in their future selections, which there is no reason to distrust,) that no council more permanent than this, as a branch of the Legislature, will be necessary, to defend the rights, liberties, and properties of the people, and to protect the Constitution of the United States, as well as the Constitutions and rights

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of the individual States, against errors of judgment, irregularities of the passions, or other encroachments of human infirmity, or more reprehensible enterprise, in the Executive on one hand, or the more immediate representatives of the people on the other.

These considerations will all conspire to animate me in my future course, with a confident reliance, that, as far as my conduct shall be uniformly measured by the Constitution of the United States, and faithfully directed to the public good, I shall be supported by the Senate, as well as by the House of Representatives, and the people at large; and on no other conditions ought any support at all to be expected or desired.

With cordial wishes for your honor, health, and happiness, and fervent prayers for a continuation of the virtues, liberties, prosperity, and peace, of our beloved country, I avail myself of your leave of absence for the remainder of the session.

THURSDAY, February 16.

The VICE PRESIDENT being absent, the Senate proceeded to the choice of a PRESIDENT *pro-tempore*, as the Constitution provides, and the honorable WILLIAM BINGHAM was duly elected.

Ordered, That the Secretary wait on the PRESIDENT OF THE UNITED STATES, and notify him of the election of the honorable WILLIAM BINGHAM, to be PRESIDENT of the Senate *pro tempore*.

Ordered, That the Secretary notify the House of Representatives of this election.

On motion,

Ordered, That Messrs. SEDGWICK, BURR, and TRACY, be a committee to prepare and report the draught of an answer to the Address delivered yesterday to the Senate, by the VICE PRESIDENT of the United States.

The bill, sent from the House of Representatives for concurrence, entitled "An act to provide more effectually for the settlement of accounts between the United States and Receivers of Public Money," was read the second time.

Ordered, That it be referred to Messrs. READ, LANGDON, and ROSS, to consider and report thereon to the Senate.

Mr. BURR reported, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to alter and amend an act, entitled 'An act to ascertain and fix the Military Establishment of the United States,'" that the bill pass without amendment.

Ordered, That it lie for consideration.

The Senate proceeded to consider the report of the committee to whom was referred the memorial of the Illinois and Wabash Land Company; which is—

That it will be expedient to adopt the report of the committee of the Senate of the United States, made upon the memorial of this Company on the 26th of March, 1792, as follows:

"That the claims of the petitioners are founded on two deeds mentioned in the said petition; one of which to William Murray and others, who are called the Illinois Company, is dated July 5th, 1773, and the other to Lord Dunmore and others, who are styled the Wabash Company, bears date October 18th, 1775.

"That the said petitioners have proposed to surrender and convey to the United States all the lands described, or meant to be described, in the above mentioned deeds from the Indians, on the proviso, that the United States reconvey to the Company one fourth part of the said lands.

"That, in the opinion of the committee, deeds obtained by private persons from the Indians, without any antecedent authority or subsequent confirmation from the Government, could not vest in the grantees mentioned in such deeds a title to the lands therein described.

"That the petitioners do not suggest any such antecedent authority or subsequent confirmation in the present case; and, therefore, in the opinion of the committee, the said petitioners have not a legal title to the said lands.

"That the proceeds of the sales of lands in the Western Territory, belonging to the United States, are appropriated towards discharging the debts, for the payment whereof the United States are holden.

"The petitioners allege, that the consideration specified in the said deeds were paid to the Indians, and were, at least, as valuable as any that were given on similar occasions, and that the Indians, named in the said deeds, were owners of the land.

"On these points, the committee give no opinion; but for the reasons above expressed, they think it would not be expedient for the Government of the United States to accede to the aforementioned proposition of the petitioners."

Whereupon, *Resolved*, That the report be adopted.

On motion, to reconsider this resolution, for the purpose of reading a petition on the subject, it passed in the negative.

The Senate proceeded to the consideration of the report of the joint committee of the 14th instant, on the measures for the further accommodation of the PRESIDENT OF THE UNITED STATES, for the term commencing the 4th of March, 1797; which is as follows:

"That the committee have unanimously agreed to the following resolution as proper to be adopted, and that a bill be brought in accordingly, viz:

"*Resolved*, That the President of the United States be authorized to cause to be sold, such parts of the furniture and equipage belonging to his household, as may be decayed and out of repair, and that the sum of fourteen thousand dollars, together with the proceeds of such sales, be appropriated for the accommodation of the household of the President of the United States, and to be laid out at his discretion and agreeably to his direction."

On motion, it was agreed to amend the report by inserting these words after "States," in the first instance, viz: "after the third day of March."

On motion, it was further agreed to amend the report by leaving a blank for the sum to be appropriated.

Ordered, That the report be adopted as amended, and that the committee who made it be instructed to bring in a bill accordingly.

A message from the House of Representatives informed the Senate that the House disagree to the amendment of the Senate to the "Resolutions relative to the balances found due by Com-

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missioners for settling accounts between the United States and the individual States."

Ordered, That this message lie for consideration.

FRIDAY, February 17.

The Senate proceeded to consider the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to alter and amend an act, entitled 'An act to ascertain and fix the Military Establishment of the United States,' which was adopted; and,

Ordered, That this bill pass to a third reading. Agreeably to the instruction given yesterday, Mr. SEDGWICK reported, from the committee, a bill to accommodate the PRESIDENT; which was read, and ordered to a second reading.

The Senate proceeded to consider the resolution of the House of Representatives, disagreeing to the amendment of the Senate, and insisting on their "resolutions relative to the balances found due by Commissioners for settling accounts between the United States and the individual States."

On motion, that the Senate recede from their amendment, it was determined in the negative—yeas 13, nays 18, as follows:

YEAS.—Messrs. Bloodworth, Blount, Brown, Cocke, Gunn, Henry, Howard, Hunter, Langdon, Marshall, Mason, Tattnall, and Tazewell.

NAYS.—Messrs. Bingham, Bradford, Burr, Foster, Goodhue, Hillhouse, Laurance, Livermore, Martin, Paine, Read, Ross, Rutherford, Sedgwick, Stockton, Tichenor, Tracy, and Vining.

So it was *Resolved*, That the Senate insist on their said amendment, ask a conference thereon, and that Messrs. Ross and STOCKTON be the managers at the same on the part of the Senate.

MONDAY, February 20.

A message from the House of Representatives informed the Senate that the House agree to the proposed conference on the disagreeing votes of the two Houses on the "resolutions relative to the balances found due by the Commissioners for settling accounts between the United States and the individual States;" and have appointed managers at the same on their part.

They have passed a bill, entitled "An act repealing so much of an act supplemental to an act, entitled 'An act to provide a Naval Armament,' as relates to the officering and manning the frigates building in the United States; and appropriating money for the purpose of finishing the frigates United States, Constitution, and Constellation;" the bill, entitled "An act in addition to an act, entitled 'An act concerning the registering and recording of ships or vessels;' and to an act, entitled "An act for enrolling and licensing ships or vessels employed in the coasting trade and fisheries, and for regulating the same;" and the bill, entitled "An act allowing a drawback

upon domestic distilled spirits, exported in vessels of less than thirty tons by the Mississippi; in which bills they desire the concurrence of the Senate.

The bills were severally read, and by unanimous consent these bills were now severally read the second time.

Ordered, That they be referred to Messrs. GOODHUE, LANGDON, and BRADFORD, to consider and report thereon to the Senate.

The bill to accommodate the PRESIDENT was read the second time and amended.

Ordered, That this bill pass to a third reading.

Mr. READ, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act in addition to the act, entitled 'An act to establish the Post Office and Post Roads within the United States,'" reported sundry amendments, which were read, and ordered to be printed for the use of the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act to alter and amend an act, entitled 'An act to ascertain and fix the Military Establishment of the United States,'" was read the third time.

On motion to strike out the following words from the first section, viz: "and that all such parts of the said act which relate to the light dragoons, it was determined in the negative—yeas 15, nays 17, as follows:

YEAS.—Messrs. Bingham, Goodhue, Hillhouse, Latimer, Laurance, Marshall, Paine, Read, Ross, Rutherford, Sedgwick, Stockton, Tichenor, Tracy, and Vining.

NAYS.—Messrs. Bloodworth, Blount, Bradford, Burr, Brown, Cocke, Foster, Gunn, Henry, Howard, Hunter, Langdon, Livermore, Martin, Mason, Tattnall, and Tazewell.

Resolved, That this bill pass.

The PRESIDENT of the Senate communicated a Letter from the Secretary for the Department of War, accompanying a list of invalid pension applicants; which were read, and ordered to lie on the table.

TUESDAY, February 21.

The bill to accommodate the PRESIDENT was read the third time; and, being further amended,

On motion that it be *Resolved*, That this bill pass, it was decided in the affirmative—yeas 28, nays 3, as follows:

YEAS.—Messrs. Bingham, Bloodworth, Blount, Bradford, Brown, Foster, Goodhue, Gunn, Henry, Hillhouse, Howard, Langdon, Latimer, Laurance, Livermore, Marshall, Martin, Paine, Read, Ross, Rutherford, Sedgwick, Stockton, Tattnall, Tazewell, Tichenor, Tracy, and Vining.

NAYS.—Messrs. Cocke, Hunter, and Mason.

So it was *Resolved*, That this bill pass; that it be engrossed; and that the title thereof be, "An act to accommodate the PRESIDENT."

Mr. SEDGWICK reported, from the committee appointed for the purpose, the draught of an an-

swer to the Address of the VICE PRESIDENT of the United States, on his retiring from the Senate; which was read.

On motion, that it be printed for the use of the Senate, it was disagreed to.

Ordered, That the report lie for consideration.

WEDNESDAY, February 22.

Agreeably to notice, Mr. MASON had permission to introduce a bill to amend the act, entitled "An act to amend the act, entitled 'An act to enable the officers and soldiers of the Virginia Line on Continental Establishment to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Sciota,'" which was read, and ordered to a second reading.

The Senate took into consideration the report of the committee, in answer to the Address of the VICE PRESIDENT of the United States, on his retiring from the Senate.

On motion to recommit the report, it passed in the negative: and the report being amended, was adopted, as follows:

SIR: The Senate of the United States would be unjust to their own feelings, and deficient in the performance of a duty their relation to the Government of their country imposes, should they fail to express their regard for your person, and their respect for your character, in answer to the Address you presented to them, on your leaving a station which you have so long and so honorably filled as their President.

The motives you have been pleased to disclose which induced you not to withdraw from the public service, at a time when your experience, talents, and virtues, were peculiarly desirable, are as honorable for yourself, as, from our confidence in you, sir, we trust the result will be beneficial to our beloved country.

When you retired from your dignified seat in this House, and took your leave of the members of the Senate, we felt all those emotions of gratitude and affection, which our knowledge and experience of your abilities and undeviating impartiality ought to inspire; and we should, with painful reluctance, endure the separation, but for the consoling reflection, that the same qualities which have rendered you useful, as the President of this branch of the Legislature, will enable you to be still more so, in the exalted station to which you have been called.

From you, sir, in whom your country have for a long period placed a steady confidence, which has never been betrayed or forfeited, and to whom they have on so many occasions intrusted the care of their dearest interests, which have never been abused; from you, who, holding the second situation under the Constitution of the United States, have lived in uninterrupted harmony with him who has held the first; from you we receive, with much satisfaction, the declaration which you are pleased to make of the opinion you entertain of the character of the present Senators, and of that of those citizens who have been heretofore Senators. This declaration, were other motives wanting, would afford them an incentive to a virtuous perseverance, in that line of conduct which has been honored with your approbation.

In your future course, we entertain no doubt that your official conduct will be measured by the Constitution, and directed to the public good; you have, there-

fore, a right to entertain a confident reliance, that you will be supported, as well by the people at large, as by their constituted authorities.

We cordially reciprocate the wishes which you express for our honor, health, and happiness; we join with yours our fervent prayers for the continuation of the virtues and liberties of our fellow-citizens, for the public prosperity and peace; and for you we implore the best reward of virtuous deeds—the grateful approbation of your constituents, and the smiles of Heaven.

WILLIAM BINGHAM,
President of the Senate pro tempore.

Ordered, That the committee who draughted the Address wait on the VICE PRESIDENT with the Answer of the Senate.

A message from the House informed the Senate that the House agree to the bill, sent from the Senate for concurrence, entitled "An act repealing the limitation to the act in addition to the act for the punishment of certain crimes against the United States, and to continue in force the same," with amendments, in which they desire the concurrence of the Senate.

Also, that they had passed a bill, entitled "An act in addition to the act, entitled 'An act making an appropriation to satisfy certain demands attending the late insurrection, and to increase the compensation of jurors and witnesses in the Courts of the United States,'" the bill, entitled "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-seven;" the bill, entitled "An act authorizing the PRESIDENT OF THE UNITED STATES to apply a further sum to the expense of negotiations with the Dey and Regency of Algiers;" the bill, entitled "An act to revive and continue the act passed the thirtieth of May, one thousand seven hundred and ninety-six, entitled 'An act to regulate the compensation of clerks,'" and the bill entitled "An act to augment the compensation of the Attorney General of the United States;" in which bills they desire the concurrence of the Senate.

The bills last brought from the House of Representatives for concurrence were read.

Ordered, That they severally pass to the second reading.

Mr. GOODHUE, from the committee to whom was referred the following bills, reported, that the bill, entitled "An act in addition to an act, entitled 'An act concerning the registering and recording of ships or vessels,'" and to an act, entitled "An act for enrolling and licensing ships or vessels employed in the coasting trade and fisheries, and for regulating the same," pass without amendment; that the bill, entitled "An act allowing a drawback upon domestic distilled spirits exported in vessels of less than thirty tons by the Mississippi;" and that the bill, entitled "An act repealing so much of an act, supplementary to an act, entitled 'An act to provide a Naval Armament,' as relates to the officering and manning the frigates building in the United States, and appropriating money for the purpose of finishing the frigates United States, Constitution, and Constellation;" severally pass with amendment.

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On motion, the Senate adjourned for half an hour.

The Senate, having assembled, proceeded to the consideration of the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act repealing so much of an act supplementary to an act, entitled 'An act to provide a Naval Armament,' as relates to the officering and manning the frigates building in the United States, and appropriating money for the purpose of finishing the frigates United States, Constitution, and Constellation;" and, after debate,

Ordered, That the further consideration thereof be postponed.

The Senate proceeded to consider the report of the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act allowing a drawback upon domestic distilled spirits exported in vessels of less than thirty tons by the Mississippi; and the report being agreed to, and the bill further amended,

Ordered, That this bill pass to a third reading.

THURSDAY, February 23.

The PRESIDENT communicated a Letter from Samuel Meredith, Treasurer of the United States, with his specie account, for the quarter ending the 31st of December last; which was read, and ordered to lie on the table.

The bill, sent from the House of Representatives for concurrence, entitled "An act to augment the compensation of the Attorney General of the United States," was read the second time, and referred to Messrs. LIVERMORE, TAZEVELL, and HOWARD, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that the House of Representatives have passed the bill, entitled "An act in addition to the act, entitled 'An act authorizing the grant and conveyance of certain lands to John Cleves Symmes and his associates,'" in which they desire the concurrence of the Senate.

Mr. SEDGWICK reported, from the committee, that, agreeably to order, they had waited on the VICE PRESIDENT OF THE UNITED STATES, with the answer to his Address, on retiring from the Senate—to which the VICE PRESIDENT was pleased to make the following Reply:

An Address so respectful and affectionate as this, from gentlemen of such experience and established character in public affairs, high stations in the Government of their country, and great consideration, in their several States, as Senators of the United States, will do me great honor, and afford me a firm support, wherever it shall be known, both at home and abroad. Their generous approbation of my conduct, in general, and liberal testimony to the undeviating impartiality of it, in my peculiar relation to their body, a character which, in every scene and employment of life, I should wish above all others to cultivate and merit, has a tendency to soften asperities, and conciliate animosities, wherever

such may unhappily exist; an effect at all times to be desired, and, in the present situation of our country, ardently to be promoted by all good citizens.

I pray the Senate to accept my sincere thanks.

JOHN ADAMS.

The bill, sent from the House of Representatives for concurrence, entitled "An act to revive and continue the act passed the thirtieth of May, one thousand seven hundred and ninety-six, entitled "An act to regulate the compensation of clerks," was read the second time.

Ordered, That it be referred to Messrs. LIVERMORE, TAZEVELL, and HOWARD, to consider and report thereon to the Senate, with an instruction to consider the expediency of inserting a clause therein for the allowance of one hundred dollars, each, to the clerks in the office of the Secretary of the Senate, in lieu of the provision made by a bill pending between the two Houses.

The bill, sent from the House of Representatives for concurrence, entitled "An act in addition to the act, entitled 'An act making an appropriation to satisfy certain demands attending the late insurrection, and to increase the compensation of jurors and witnesses in the Courts of the United States,'" was read the second time, and referred to Messrs. HILLHOUSE, HENRY, and SEDGWICK, to consider and report thereon to the Senate.

Mr. TRACY reported, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act granting a certain sum of money to the widow and children of John de Neufville, deceased;" which was read; and, after debate,

Ordered, That the further consideration thereof be postponed.

Mr. SEDGWICK, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act repealing, in part, the 'Act concerning the duties on spirits distilled within the United States,' passed the eighth of May, one thousand seven hundred and ninety-two, and imposing certain duties on the capacity of stills of a particular description," reported sundry amendments; which were read.

Ordered, That the bill be printed as reported to be amended.

FRIDAY, February 24.

The bill, sent from the House of Representatives for concurrence, entitled "An act in addition to the act, entitled 'An act authorizing the grant and conveyance of certain lands to John Cleves Symmes and his associates,'" was read the first time; and it was agreed, by unanimous consent, to dispense with the rule, and that this bill be now read the second time.

Ordered, That it be referred to Messrs. ROSS, STOCKTON, and BROWN, to consider and report thereon to the Senate.

Mr. LIVERMORE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to augment the compensation of the Attorney Ge-

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neral of the United States," made a report; which was read.

Ordered, That it lie for consideration.

The Senate resumed the consideration of the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act granting a certain sum of money to the widow and children of John de Neufville, deceased," that the bill do not pass; and, after debate, it was agreed that this bill pass to the third reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-seven," was read the second time.

Ordered, That it be referred to Messrs. HENRY, TRACY, and LANGDON, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act authorizing the PRESIDENT OF THE UNITED STATES to apply a further sum to the expense of negotiations with the Dey and Regency of Algiers," was read the second time.

Ordered, That it be referred to Messrs. TAZEWELL, MARSHALL, and GOODHUE, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act relative to the compensations and duties of certain officers employed in the collection of impost and tonnage;" in which they desire the concurrence of the Senate.

The Senate proceeded to consider the amendments reported by the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act in addition to the act, entitled 'An act to establish the Post Office and Post Roads within the United States;'" which were in part adopted; and, after having further amended the bill,

Ordered, That it pass to the third reading.

The bill last brought from the House of Representatives for concurrence was read; and it was agreed, by unanimous consent, to dispense with the rule, and that this bill be now read the second time.

Ordered, That it be referred to Messrs. GOODHUE, LANGDON, and BRADFORD, to consider and report thereon to the Senate.

The Senate proceeded to the third reading of the bill, sent from the House of Representatives for concurrence, entitled "An act allowing a drawback upon domestic distilled spirits exported in vessels of less than thirty tons by the Mississippi;" and, after debate,

Ordered, That the further consideration thereof be postponed.

SATURDAY, February 25.

Ordered, That Messrs. SEDGWICK, TAZEWELL, and GOODHUE, be a committee to consider and report relative to the expediency of authorizing the PRESIDENT, during the recess of Congress, to lay

an embargo; and that the committee be authorized to report by bill or otherwise.

The bill, sent from the House of Representatives for concurrence, entitled "An act granting a certain sum of money to the widow and children of John de Neufville, deceased," was read the third time, and passed.

The Senate resumed the third reading of the bill sent from the House of Representatives for concurrence, entitled "An act allowing a drawback upon domestic distilled spirits, exported in vessels of less than thirty tons, by the Mississippi."

Resolved, That the further consideration of this bill be postponed until the next session of Congress.

A message from the House of Representatives informed the Senate that the House have passed "the resolution sent from the Senate for concurrence, for obtaining information relative to the amendment concerning the suabity of States."

They have passed a bill, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned; and a bill, entitled "An act for raising a further sum of money, by additional duties on certain articles imported, and for other purposes; in which they desire the concurrence of the Senate.

The Senate resumed the consideration of the report of the committee on the bill, entitled "An act repealing so much of an act supplementary to an act, entitled 'An act to provide a Naval Armament,' as relates to the officering and manning the frigates building in the United States, and appropriating money for the purpose of finishing the frigates United States, Constitution, and Constellation;" which report was adopted; and the bill being further amended, by expunging the second section,

Ordered, That it pass to the third reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act in addition to an act, entitled 'An act concerning the registering and recording of ships or vessels,' and to an act, entitled 'An act for enrolling and licensing ships or vessels employed in the coasting trade or fisheries, and for regulating the same,'" was read the third time, and passed.

The memorial and petition of George Turner and Peyton Short was presented and read, stating the peculiar hardships to which they will be liable by the passage of the bill, sent from the House of Representatives for concurrence, entitled "An act in addition to the act, entitled 'An act authorizing the grant and conveyance of certain lands to John Cleves Symmes and his associates.'"

Ordered, That the memorial, and papers accompanying the same, be referred to the committee on the said bill.

The bill, sent from the House of Representatives for concurrence, entitled "An act in addition to the act, entitled 'An act to establish the Post Office and Post Roads within the United States,'" was read the third time.

On motion, it was agreed to add a new section, as follows:

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"Be it further enacted, That all letters and packets to GEORGE WASHINGTON, now President of the United States, after the expiration of his term of office, and during his life, shall be received and conveyed by post, free of postage."

And the bill being further amended,

Resolved, That this bill pass with amendments.

The bills last brought from the House of Representatives for concurrence were read; and it was agreed, by unanimous consent, to dispense with the rule, and that these bills be now severally read the second time.

Ordered, That the bill, sent from the House of Representatives for concurrence, entitled "An act for raising a further sum of money by additional duties on certain articles imported, and for other purposes;" be referred to Messrs. GOODHUE, COCKE, and LAURANCE, to consider and report thereon to the Senate.

Ordered, That the further consideration of the bill, sent from the House of Representatives for concurrence, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned;" be postponed.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, sent from the Senate for concurrence, entitled "An act repealing the limitation to the act in addition to the act for the punishment of certain crimes against the United States, and to continue in force the same;" and

Resolved, That they agree to the said amendments.

The bill, entitled "An act to amend the act, entitled 'An act to amend the act, entitled 'An act to enable the officers and soldiers of the Virginia Line on Continental Establishment to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Sciota;'" was read the second time.

Ordered, That it be referred to Messrs. RUTHERFURD, ROSS, and MASON, to consider and report thereon to the Senate.

MONDAY, February 27.

Mr. RUTHERFURD laid before the Senate the memorial of John Cleves Symmes, against certain provisions of a bill, passed by the House of Representatives, authorizing the grant and conveyance of certain lands to John Cleves Symmes and his associates; which memorial was read.

Ordered, That it be referred to the committee appointed to take said bill into consideration.

The bill, sent from the House of Representatives for concurrence, entitled "An act repealing so much of an act, supplementary to an act, entitled 'An act to provide a Naval Armament,' as relates to the officering and manning the frigates building in the United States, and appropriating money for the purpose of finishing the frigates United States, Constitution, and Constellation;" was read the third time.

On motion, to restore the second section of the

bill, expunged in the second reading, it was determined that the motion was not in order.

The bill was then passed, as amended.

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled, "An act relative to the compensations and duties of certain officers employed in the collection of impost and tonnage;" reported that the bill pass without amendment.

Ordered, That this bill pass to the third reading.

The Senate proceeded to consider the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act repealing, in part, the 'Act concerning the duties on spirits distilled within the United States,' passed the eighth of May, one thousand seven hundred and ninety-two; and imposing certain duties on the capacity of stills of a particular description;" and the bill being amended accordingly,

Ordered, That it pass to the third reading.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to suspend, in part, the act, entitled "An act to alter and amend the act, entitled 'An act laying certain duties upon snuff and refined sugar,' and to grant relief in certain cases, arising under the said act;" a bill, entitled "An act to authorize the receipt of evidences of the Public Debt, in payment for the lands of the United States;" and a bill, entitled "An act authorizing an expenditure, and making an appropriation for the prosecution of the claims of certain citizens of the United States, for property captured by the belligerent Powers;" in which bills they desire the concurrence of the Senate.

These bills were severally read, and ordered to a second reading.

Mr. HENRY, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-seven," reported amendments; and the bill being accordingly amended,

Ordered, That it pass to the third reading.

Mr. HILLHOUSE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act in addition to an act, entitled 'An act making an appropriation to satisfy certain demands attending the late insurrection; and to increase the compensation of jurors and witnesses in the Courts of the United States;" reported amendments; and the bill was amended accordingly.

Ordered, That this bill pass to the third reading as amended.

A message from the House of Representatives informed the Senate that the House have passed the bill, sent from the Senate for concurrence, entitled "An act to accommodate the PRESIDENT," with an amendment to the title; in which they desire the concurrence of the Senate.

The Senate proceeded to consider the amend-

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ment of the House of Representatives to the last-mentioned bill, and agreed thereto.

The Senate proceeded to consider the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to augment the compensation of the Attorney General of the United States."

On motion, to insert in the bill the Secretaries of State, Treasury, and War, it passed in the negative.

Ordered, That this bill pass to the third reading.

Mr. SEDGWICK, from the committee appointed on the subject, reported a bill to authorize the PRESIDENT OF THE UNITED STATES to lay, regulate, and revoke embargoes; which was read, and ordered to a second reading.

Mr. ROSS reported from the managers at the conference on the disagreeing votes of the two Houses, on the "Resolutions relative to the balances found due by commissioners for settling accounts between the United States and the individual States;" which report was read.

Ordered, That it lie until to-morrow for consideration.

Mr. READ, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to provide more effectually for the settlement of accounts between the United States and Receivers of Public Money;" reported amendments; which were read.

Ordered, That the bill be printed with the amendments.

On motion, that a committee be appointed to bring in a bill to alter the time for the next annual meeting of Congress, it was agreed that the motion should lie for consideration.

TUESDAY, February 28.

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for raising a further sum of money, by additional duties on certain articles imported, and for other purposes;" reported amendments; which were read, and the bill amended accordingly; and, by unanimous consent, the bill was read the third time.

Resolved, That this bill pass with amendments.

The bill, sent from the House of Representatives for concurrence, entitled "An act relative to the compensations and duties of certain officers employed in the collection of impost and tonnage;" was read the third time, and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-seven;" was read the third time.

Resolved, That this bill pass with amendments.

The PRESIDENT laid before the Senate a Report from the Secretary for the Department of State, relative to losses sundry citizens of the United States, residing in Philadelphia, sustained

by the capture of their property by French armed vessels on the high seas; which was read, and ordered to be printed for the use of the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act in addition to the act, entitled 'An act making an appropriation to satisfy certain demands attending the late insurrection, and to increase the compensation of jurors and witnesses in the Courts of the United States,'" was read the third time.

On motion, to reconsider an amendment agreed to yesterday, it passed in the negative.

Resolved, That this bill pass with amendments.

Mr. SEDGWICK, from the committee to whom was referred the bill concerning the Circuit Courts of the United States, reported amendments; which were read, and the bill was amended accordingly; and it was agreed, by unanimous consent, to dispense with the rule, and that the bill be now read the third time.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be "An act concerning the Circuit Courts of the United States."

The bill, sent from the House of Representatives for concurrence, entitled "An act to augment the compensation of the Attorney General of the United States," was read the third time; and, on the question to agree to the bill, it was determined in the affirmative—yeas 19, nays 9, as follows:

YEAS.—Messrs. Bingham, Bradford, Foster, Goodhue, Henry, Hillhouse, Howard, Latimer, Laurance, Marshall, Mason, Read, Ross, Rutherford, Sedgwick, Stockton, Tattnell, Tichenor, and Vining.

NAYS.—Messrs. Bloodworth, Brown, Cocke, Gunn, Langdon, Livermore, Martin, Paine, and Tazewell.

So it was resolved that this bill pass.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned," was read the second time, and referred to Messrs. GOODHUE, LANGDON, and READ, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that the House agree to the amendments of the Senate to the following bills: That entitled "An act making appropriations for the support of the Government for the year one thousand seven hundred and ninety-seven," and the bill entitled "An act for raising a further sum of money, by additional duties on certain articles imported, and for other purposes."

They have postponed the consideration of the amendments of the Senate to the bill entitled, "An act repealing so much of an act supplementary to an act, entitled 'An act to provide a Naval Armament,' as relates to the officering and manning the frigates building in the United States, and appropriating money for the purpose of finishing the frigates United States, Constitution, and Constellation," until the next session of Congress.

The bill to authorize the PRESIDENT OF THE

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UNITED STATES to lay, regulate, and revoke embargoes, was read the second time, and ordered to a third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act authorizing an expenditure, and making an appropriation, for the prosecution of the claims of certain citizens of the United States, for property captured by the belligerent Powers," was read the second time, and referred to Messrs. GOODHUE, LAURANCE, and TAZEWELL, to consider and report to the Senate.

The Senate took into consideration the motion made yesterday, respecting the time of the next meeting of Congress.

Ordered, That MESSRS. MARSHALL, BLOODWORTH, and LIVERMORE, be a committee to report a bill on the subject.

Mr. MARSHALL, from the committee last mentioned, reported a bill to alter the time of the next meeting of Congress; which was read, and ordered to a second reading.

The Senate proceeded to consider the report of the conferees, on "the resolutions relative to the balances found due by Commissioners for settling accounts between the United States and the individual States."

On motion that the Senate recede from their amendment to the said resolutions, it was determined in the negative—yeas 14, nays 16, as follows:

YEAS—MESSRS. Bingham, Brown, Foster, Gunn, Henry, Hillhouse, Langdon, Marshall, Mason, Rutherford, Stockton, Tattnall, Tazewell, and Tichenor.

NAYS—MESSRS. Bloodworth, Blount, Bradford, Burr, Cocke, Goodhue, Howard, Latimer, Laurance, Livermore, Martin, Faine, Read, Ross, Sedgwick, and Vining.

Resolved, That the Senate adhere to their amendment to the said resolutions.

The bill sent from the House of Representatives for concurrence, entitled "An act to authorize the receipt of evidences of the Public Debt, in payment for the lands of the United States," was read the second time, and ordered to a third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act to suspend in part the act, entitled 'An act to alter and amend the act, entitled 'An act laying certain duties upon snuff and refined sugar,' and to grant relief in certain cases arising under the said act,'" was read the second time, and ordered to a third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act repealing in part, the act concerning the duties on spirits distilled within the United States, passed the 8th of May, one thousand seven hundred and ninety-two; and imposing certain duties on the capacity of stills of a particular description," was read the third time; and sundry amendments agreed to yesterday having been reconsidered,

On motion, to add the following section to the bill:

"And be it further enacted, That, from and after the

— day of —, no drawback shall be allowed on the exportation of any spirits distilled within the United States, from articles the growth thereof, any law to the contrary notwithstanding"—

it passed in the negative.

Resolved, That this bill pass with amendments.

A message from the House of Representatives informed the Senate that the House disagree to one, and agree to the other amendment of the Senate, to the bill entitled "An act in addition to the act, entitled 'An act making an appropriation to satisfy certain demands attending the late insurrection, and to increase the compensation of jurors and witnesses in the Courts of the United States.'"

WEDNESDAY, March 1.

Mr. LIVERMORE, from the committee to whom was referred the bill sent from the House of Representatives, for concurrence, entitled "An act to revive and continue the act passed the thirtieth of May, one thousand seven hundred and ninety-six, entitled 'An act to regulate the compensation of clerks,' together with an instruction to consider the expediency of inserting a clause therein for the allowance of one hundred dollars each, to the clerks in the office of the Secretary of the Senate, in lieu of the provision made by the Senate, reported, that, in their opinion, the said bill should pass without amendment; and, that it would be inexpedient to insert a clause of the same import with the bill heretofore sent to the House of Representatives, and still depending before them; which report was read and adopted.

Ordered, That this bill pass to a third reading.

Mr. GOODHUE, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act authorizing an expenditure, and making an appropriation for the prosecution of the claims of certain citizens of the United States, for property captured by the belligerent Powers," reported, that the bill pass without amendment.

Ordered, That this bill pass to a third reading.

Mr. GOODHUE reported, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act to provide for mitigating, or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned," that the bill pass without amendment.

Ordered, That this bill pass to a third reading.

Mr. HILLHOUSE, from the committee to whom was referred the letter and enclosures from the Governor of North Carolina, relative to the extinguishment of the Indian title to lands granted to I. Glasgow & Co., by the State of North Carolina, the address of the Legislature of Tennessee, on the same subject, and also, the petition of I. Glasgow and others, relative to the lands entered in the office of John Armstrong, Esq., and since ceded to the United States, made a report, which was read.

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Ordered, That the report be printed for the use of the Senate.

Mr. ROSS, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act in addition to the act, entitled 'An act authorizing the grant and conveyance of certain lands to John Cleves Symmes, and his associates,'" made a report; which was read.

Ordered, That it lie for consideration.

Mr. TAZEWELL, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act authorizing the PRESIDENT OF THE UNITED STATES to apply a further sum to the expense of negotiations with the Dey and Regency of Algiers," reported that the bill pass without amendment.

Ordered, That this bill pass to a third reading.

A message from the House of Representatives informed the Senate that the House agree to some, and disagree to other amendments of the Senate to the bill, entitled "An act in addition to the act, entitled 'An act to establish the Post Office and Post-Roads within the United States.'"

They have passed a bill, entitled "An act directing the Secretary of War to place certain persons on the pension list;" in which they desire the concurrence of the Senate.

The PRESIDENT OF THE UNITED STATES having stated his objections to the bill, entitled "An act to alter and amend an act, entitled 'An act to ascertain and fix the Military Establishment of the United States,'" the House of Representatives proceeded to consider the objections to the said bill, and have resolved that it do not pass.

The objections of the PRESIDENT OF THE UNITED STATES are as follows:

Gentlemen of the House of Representatives:

Having maturely considered the bill to alter and amend an act, entitled "An act to ascertain and fix the Military establishment of the United States," which was presented to me on the twenty-second day of this month, I now return it to the House of Representatives, in which it originated, with my objections.

First. If the bill passes into a law, the two companies of light dragoons will be, from that moment, legally out of service, though they will afterwards continue actually in service; and, for their services during this interval, namely, from the time of legal, to the time of actual discharge, it will not be lawful to pay them, unless some future provision be made by law. Though they may be discharged at the pleasure of Congress, in justice they ought to receive their pay, not only to the time of passing the law, but, at least, to the time of their actual discharge.

Secondly. It will be inconvenient and injurious to the public, to dismiss the light dragoons as soon as notice of the law can be conveyed to them—one of the companies having been lately destined to a necessary and important service.

Thirdly. The companies of light dragoons consist of one hundred and twenty-six non-commissioned officers and privates, who are bound to serve as dismounted dragoons, when ordered so to do. They have received in bounties, about two thousand dollars; one of them is completely equipped, and above half of the non-

commissioned officers and privates have yet to serve more than one-third of the term of their enlistment; and, besides, there will, in the course of the year, be a considerable deficiency in the complement of infantry intended to be continued. Under these circumstances, to discharge the dragoons, does not seem to comport with economy.

Fourthly. It is generally agreed, that some cavalry, either militia or regular, will be necessary; and, according to the best information I have been able to obtain, it is my opinion, that the latter will be less expensive, and more useful than the former, in preserving peace between the frontier settlers and the Indians; and, therefore, a part of the Military Establishment should consist of cavalry.

G. WASHINGTON.

UNITED STATES, February 28, 1797.

The Senate proceeded to consider their amendment, disagreed to by the House of Representatives, to the bill, entitled "An act, in addition to the act, entitled 'An act making an appropriation to satisfy certain demands attending the late insurrection, and to increase the compensation of jurors and witnesses in the Courts of the United States.'"

On motion, it was agreed to refer the further consideration of this bill to the next session of Congress.

A message from the House of Representatives informed the Senate that the House have unanimously agreed to an amendment to the enrolled bill, entitled "An act relative to the compensations and duties of certain officers employed in the collection of impost and tonnage," by inserting "March, instant," instead of "March next," in which they desire the concurrence of the Senate.

They agree to one, and disagree to another amendment of the Senate to the bill, entitled "An act repealing in part the act concerning the duties on spirits distilled within the United States, passed the eighth of May, one thousand seven hundred and ninety-two, and imposing certain duties on the capacity of stills of a particular description."

They have passed a bill, entitled "An act to amend and repeal, in part, the act, entitled 'An act to ascertain and fix the Military Establishment of the United States.'"

The Senate proceeded to consider the amendment proposed by the House of Representatives to the last mentioned enrolled bill; and

Resolved, That they do concur therein.

The bill to alter the time for the next meeting of Congress was read the second time.

On the question to agree to the third reading, it was determined in the affirmative—yeas 16, nays 15, as follows:

YEAS—Messrs. Bloodworth, Blount, Brown, Cocke, Foster, Henry, Langdon, Livermore, Marshall, Martin, Paine, Tattnall, Tazewell, Tichenor, Tracy, and Vining.

NAYS—Messrs. Bingham, Bradford, Burr, Goodhue, Gunn, Hillhouse, Howard, Latimer, Laurance, Mason, Read, Ross, Rutherford, Sedgwick, and Stockton.

So it was *Resolved*, That this bill pass to the third reading.

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The bill to authorize the PRESIDENT OF THE UNITED STATES to lay, regulate, and revoke embargoes, was read the third time.

On the question to agree to this bill, there were—yeas 15, nays 15, as follows:

YEAS—Messrs. Bingham, Foster, Goodhue, Latimer, Laurance, Marshall, Paine, Read, Ross, Rutherford, Sedgwick, Stockton, Tichenor, Tracy, and Vining.

NAYS—Messrs. Bloodworth, Blount, Bradford, Brown, Burr, Cocke, Gunn, Henry, Howard, Langdon, Livermore, Martin, Mason, Tattnall, and Tazewell.

So the bill was lost.

The bill sent from the House of Representatives for concurrence, entitled "An act to suspend in part the act, entitled 'An act to alter and amend the act, entitled 'An act laying certain duties upon snuff and refined sugar,' and to grant relief in certain cases, arising under the said act,'" was read the third time and passed.

A message from the House of Representatives informed the Senate that the House adhere to their disagreement to the amendment of the Senate to the "Resolutions relative to the balances found due by Commissioners for settling accounts between the United States and the individual States."

They have passed a bill, entitled "An act providing for certain buoys to be placed in and near the harbor of Boston;" a bill, entitled "An act extending the time for receiving on loan the Domestic Debt of the United States;" and a bill, entitled "An act for the remission of the duties of tonnage on the vessels of James O'Brien and James Aylward;" in which bills they request the concurrence of the Senate.

The bills last mentioned were severally read, and ordered to a second reading.

The Senate proceeded to consider the amendments reported by the committee to the bill, sent from the House of Representatives for concurrence, entitled "An act to provide more effectually for the settlement of accounts between the United States and the Receivers of Public Money;" and, having agreed to amend the bill,

Ordered, That it pass to the third reading.

On motion, it was agreed, by unanimous consent, to dispense with the rule, and that the bill, sent from the House of Representatives for concurrence, entitled "An act providing for certain buoys to be placed in and near the harbor of Boston," be now read the second time.

Ordered, That this bill pass to the third reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act directing the Secretary of War to place certain persons on the pension list," was read, and it was agreed, by unanimous consent, to dispense with the rule, and that the bill be now read the second time.

Ordered, That it be referred to Messrs. TRACY, TAZEVELL, and HOWARD, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to amend and repeal, in part, the act, entitled 'An act to ascertain and fix the Military Establishment of the

United States," was read the first time, and ordered to a second reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act to authorize the receipt of evidences of Public Debt in payment for the lands of the United States," was read the third time, and passed.

THURSDAY, March 2.

Mr. Ross reported, from the committee to whom was referred the report of the Attorney General, of the 28th of April last, relative to the territorial limits of the State of Georgia; which report was read, and ordered to be printed for the use of the Senate.

The petition of Putnam Catlin and others, in behalf of the inhabitants of Luzerne county, in the State of Pennsylvania, was read, praying the interposition of Congress to enable them to have an impartial trial of their titles to certain lands therein referred to; which petition was read.

The Senate proceeded to consider the resolutions of the House of Representatives, agreeing to some, and disagreeing to other amendments of the Senate to the bill, entitled "An act in addition to the act, entitled 'An act to establish the Post Office and Post Roads within the United States.'"

Resolved, That they do agree to the amendments of the House of Representatives to their fifth and seventeenth amendments; and that they insist on all their other amendments to the said bill.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act in addition to the act, entitled 'An act for the relief and protection of American seamen,'" in which they desire the concurrence of the Senate.

The bill last mentioned was read, and ordered to a second reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act to amend and repeal, in part, the act, entitled 'An act to ascertain and fix the Military Establishment of the United States,'" was read the second time.

Ordered, That it be referred to Messrs. ROSS, HOWARD, and LAURANCE, to consider and report thereon to the Senate.

The Senate proceeded to consider the report of the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act in addition to the act, entitled 'An act authorizing the grant and conveyance of certain lands to John Cleves Symmes and his associates,'" which report was, that the bill do not pass; and it was adopted.

On the question to agree to the third reading of the bill, it passed in the negative, and the bill was lost.

The bill, sent from the House of Representatives for concurrence, entitled "An act authorizing the PRESIDENT OF THE UNITED STATES to apply a further sum to the expense of negotiations with the Dey and Regency of Algiers," was read the third time.

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On motion to expunge the first section of the bill, it passed in the negative.

So it was *Resolved*, That this bill pass.

The bill to alter the time for the next meeting of Congress was read the third time.

On the question to agree to the final passage of the bill, it was determined in the affirmative—yeas 16, nays 14, as follows :

YEAS.—Messrs. Bloodworth, Blount, Brown, Cocke, Foster, Henry, Langdon, Livermore, Marshall, Martin, Paine, Tattall, Tazewell, Tichenor, Tracy, and Vin- ing.

NAYS.—Messrs. Bingham, Bradford, Burr, Goodhue, Hillhouse, Howard, Latimer, Laurance, Mason, Read, Ross, Rutherford, Sedgwick, and Stockton.

So it was *Resolved*, That this bill pass; that it be engrossed; and that the title be, "An act to alter the time of the next meeting of Congress."

The Senate proceeded to consider the resolution of the House of Representatives on the amendments of the Senate to the bill, entitled "An act repealing, in part, the 'Act concerning the duties on spirits distilled within the United States,' passed the eighth of May, one thousand seven hundred and ninety-two, and imposing certain duties on the capacity of stills of a particular description."

Resolved, That they do insist on their first, and recede from their second amendment to the said bill.

The bill, sent from the House of Representatives for concurrence, entitled "An act authorizing an expenditure, and making an appropriation for the prosecution of the claims of certain citizens of the United States for property captured by the belligerent Powers," was read the third time.

On the question to agree to the final passage of the bill, it was determined in the affirmative—yeas 21, nays 8, as follows :

YEAS.—Messrs. Bingham, Bradford, Foster, Goodhue, Gunn, Henry, Hillhouse, Howard, Latimer, Livermore, Marshall, Paine, Read, Ross, Rutherford, Sedgwick, Stockton, Tattall, Tichenor, and Tracy.

NAYS.—Messrs. Bloodworth, Brown, Burr, Cocke, Langdon, Martin, Mason, and Tazewell.

So it was *Resolved*, That this bill pass.

The bill, sent from the House of Representatives for concurrence, entitled "An act to revive and continue the act, passed the thirtieth of May, one thousand seven hundred and ninety-six, entitled 'An act to regulate the compensation of clerks,'" was read the third time; and being amended,

Resolved, That this bill pass, with an amendment.

The bill, sent from the House of Representatives for concurrence, entitled "An act to provide more effectually for the settlement of accounts between the United States and the Receivers of Public Money," was read the third time; and being further amended,

Resolved, That this bill pass, with amendments.

The bill, sent from the House of Representatives for concurrence, entitled "An act providing for certain buoys to be placed in and near the har-

bor of Boston," was read the third time, and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act extending the time for receiving on loan the Domestic Debt of the United States," was read the second time.

Ordered, That this bill be referred to Messrs. TRACY, HENRY, and TAZEWEILL, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the remission of the duties of tonnage on the vessels of James O'Brien and James Aylward," was read the second time, and, by unanimous consent, the bill was read the third time.

Resolved, That this bill pass.

The bill, sent from the House of Representatives for concurrence, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned," was read the third time, and passed.

Mr. Ross, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act to amend and repeal, in part, the act, entitled "An act to ascertain and fix the Military Establishment of the United States," reported amendments, which were read; and the bill being amended accordingly, it was ordered to a third reading.

A motion was made by Mr. PAINE, that it be

"*Resolved*, That the Secretary of the Treasury be requested to report to the Senate, at the next session of Congress, all such persons as, in his opinion, are justly entitled to compensation; and, also, the sums to which they may severally be entitled, for necessary expenses and services, which may have been occasioned by the prosecution and trial of persons for crimes and offences during the late insurrection, for which adequate provision has not already been made by law."

"*Resolved*, That the Secretary of the Treasury be requested to cause the foregoing resolution to be published in such papers as he shall judge necessary, and to give notice in such manner as he shall judge proper, to all persons concerned, to exhibit their claims to him, before the first day of November next."

Ordered, That this motion lie on the table.

FRIDAY, March 3.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act making appropriations for the Military and Naval Establishments, for the year one thousand seven hundred and ninety-seven," in which they desire the concurrence of the Senate.

They adhere to their disagreement to the amendments of the Senate to the bill, entitled "An act repealing, in part, the 'Act concerning the duties on spirits distilled within the United States,' passed the eighth of May, one thousand seven hundred and ninety-two; and imposing certain duties on the capacities of stills of a particular description."

They recede from their disagreement to the

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amendments of the Senate to the bill, entitled "An act in addition to the act, entitled 'An act to establish the Post Office and Post Roads within the United States.'"

The bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the Military and Naval Establishments, for the year one thousand seven hundred and ninety-seven," was read.

On motion, to dispense with the rule, and that this bill be now read the second time, by unanimous consent, it was objected to.

Ordered, That this bill pass to a second reading.

Mr. TRACY, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act directing the Secretary of War to place certain persons on the pension list," reported—

"That they have had the subject under consideration, and they find many applicants, whose merits appear in a favorable point of light, are not on the list now presented in the act passed by the House of Representatives, and that the papers attending the applications, both of those admitted and those rejected, are very numerous. Under these circumstances, the committee find it absolutely impossible to do justice to the applicants in the short time now left of the present session. They therefore are of opinion that the bill should be postponed till the next session of Congress, and recommend the following resolution to be adopted by the Senate, viz:

Resolved, That all such persons as shall eventually be placed on the pension list, pursuant to the act passed the twenty-eighth February, one thousand seven hundred and ninety-three, shall take their pensions for the whole time which shall have elapsed from the completion of their testimony, agreeably to the act passed on the twenty-eighth February, one thousand seven hundred and ninety-five."

The report was read and adopted.

Resolved, That the further consideration of the bill therein mentioned be postponed until the next session of Congress.

The bill sent from the House of Representatives for concurrence, entitled "An act to amend and repeal, in part, the act, entitled 'An act to ascertain and fix the Military Establishment of the United States,'" was read the third time.

On motion to introduce a clause making provision for the establishment of a Major General, it passed in the negative.

Resolved, That this bill pass with amendments.

Mr. TRACY reported from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act extending the time for receiving on loan the Domestic Debt of the United States," and, by unanimous consent, the bill was read the third time.

Resolved, That this bill pass.

Mr. ROSS, from the committee to whom was referred the petition and memorial of Peyton Short and George Turner, reported a bill to authorize the sale of the lands between the Great and Little Miami rivers, in the Western Territory of the United States, and giving a pre-emption of the

same to certain purchasers and settlers; which was read, and, by unanimous consent, the bill was read the second time.

Ordered, That this bill pass to the third reading.

The Senate proceeded to consider the motion made yesterday by Mr. PAINE, requiring the Secretary of the Department of the Treasury to report those persons entitled to compensation for services and expenses occasioned by the prosecution and trial of persons for crimes and offences during the late insurrection; which motion being amended, was adopted, as follows:

Resolved, That the Secretary of the Treasury be instructed to report to the Senate, at the next session of Congress, all such persons as in his opinion are justly entitled to compensation, and also the sums to which they may severally be entitled, for necessary services and expenses which may have been occasioned by the prosecution and trial of persons for crimes and offences during the late insurrection, for which adequate provision has not already been made by law.

The Senate proceeded to consider the resolution of the House of Representatives, adhering to their disagreement to certain amendments of the Senate to the bill, entitled "An act repealing, in part, the act concerning the duties on spirits distilled within the United States," passed the eighth of May, one thousand seven hundred and ninety-two, and imposing certain duties on the capacity of stills of a particular description. Whereupon—

Resolved, That the Senate do recede from their said amendments.

Mr. RUTHERFORD reported from the committee to whom was referred the bill to amend the act, entitled "An act to amend the act, entitled 'An act to enable the officers and soldiers of the Virginia Line on Continental Establishment to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Sciota,'" and the bill being accordingly amended, it was agreed, by unanimous consent, to dispense with the rule, and that this bill be now read the third time.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be, "An act to amend the act, entitled 'An act to amend the act, entitled 'An act to enable the officers and soldiers of the Virginia line on Continental Establishment to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Sciota.'"

On motion to expunge the thirteenth rule for conducting business in the Senate, which is in the following words:

"Every bill shall receive three readings previous to its being passed; and the President shall give notice at each, whether it be the first, second, or third; which readings shall be on three different days, unless the Senate unanimously direct otherwise"—

it passed in the negative.

On motion to suspend this rule during the session, it passed in the negative.

A message from the House of Representatives informed the Senate that the House agree to the amendment of the Senate, with an amendment, to

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the bill, entitled "An act to revive and continue the act passed the thirtieth day of May, one thousand seven hundred and ninety-six, entitled "An act to regulate the compensation of clerks;" in which amendment to the amendment they desire the concurrence of the Senate;

They agree to some, with amendments, and disagree to other, amendments of the Senate to the bill, entitled "An act to provide more effectually for the settlement of accounts between the United States and Receivers of Public Money;"

They have passed a "Resolution for the distribution of an edition of the laws of the United States," in which they desire the concurrence of the Senate.

On motion, it was agreed by unanimous consent to dispense with the rule, and that the bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the Military and Naval Establishments for the year one thousand seven hundred and ninety-seven," be now read the second time."

Ordered, That this bill be referred to Messrs. TAZEWELL, TRACY, and HENRY, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that the House agree to the amendments of the Senate to the bill, entitled "An act to amend and repeal, in part, the act, entitled 'An act to ascertain and fix the Military Establishment of the United States.'"

The bill sent from the House of Representatives for concurrence, entitled "An act in addition to the act, entitled 'An act for the relief and protection of American seamen,'" was read the second time.

Resolved, That the further consideration of this bill be postponed until the next session of Congress.

On motion, it was agreed by unanimous consent to dispense with the rule, and that the bill to authorize the sale of the lands between the Great and Little Miami rivers, in the Western Territory of the United States, and giving a pre-emption of the same to certain purchasers and settlers, be now read the third time.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be, "An act to authorize the sale of the lands between the Great and Little Miami rivers, in the Western Territory of the United States, and giving a pre-emption of the same to certain purchasers and settlers."

The Senate proceeded to consider the amendment of the House of Representatives to the amendment of the Senate to the bill, entitled "An act to revive and continue the act passed the thirtieth day of May, one thousand seven hundred and ninety-six, entitled 'An act to regulate the compensation of clerks.'"

Resolved, That they do agree to the said amendment.

The Senate proceeded to consider the "Resolution for the distribution of an edition of the laws of the United States," sent from the House of Representatives for concurrence.

On motion, it was agreed to amend the resolu-

tion by inserting in the 23d line, after the word "Marshals," the words "and Attorneys;" and in the 30th line, before the word "and," to insert the words, "and to the Postmaster General."

Resolved, That this resolution pass with the amendments.

The Senate proceeded to consider the resolution of the House of Representatives, agreeing to some, with amendments, and disagreeing to other, amendments of the Senate to the bill, entitled "An act to provide more effectually for the settlement of accounts between the United States and Receivers of Public Money."

Resolved, That they do recede from their amendments disagreed to, and agree to the amendments to their amendments of the House of Representatives.

Mr. TRACY, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the Military and Naval Establishments for the year one thousand seven hundred and ninety-seven," reported amendments.

On motion to dispense with the rule, and that this bill be now read the third time, a motion was made, as follows:

"Whereas, by the Constitution of the United States, all Legislative powers are vested in a Congress, which shall consist of a Senate and House of Representatives, with a qualified negative vested in the President of the United States:

"And whereas it is expedient, to the due exercise of their powers of legislation, that a reasonable time, and an opportunity for deliberate discussion, should be afforded to each branch of the Legislature, as also time for consideration allowed to the President of the United States:

"And whereas the bill making appropriations for the Military Establishment of the United States has been kept back till the last day on which the present Congress can sit; whereby the Senate is, in effect, deprived of the power and opportunity of a deliberate investigation of the large appropriations made by the said act, and are called upon, in violation of the known rules of their proceedings, to pass an important act almost instantaneously, and without the possibility of the several members of the Senate even reading over, much less for a full and deliberate investigation of, a bill of the greatest importance, or, by a rejection of the said bill, to throw the public business into great confusion: therefore—

Resolved, That the withholding bills of so great importance till so late a period has in fact a tendency to infringe, if not totally to defeat, the Legislative power and check vested by the Constitution in the Senate of the United States.

Resolved, That three readings in one day of the bill, entitled "An act making appropriations for the Military and Naval Establishments for the year one thousand seven hundred and ninety-seven," shall not be drawn into precedent hereafter.

Resolved, That the Senate of the United States will not hereafter originate any bill for appropriating moneys for the support of Government, or of the Military and Naval Departments, nor any law of general importance to the public, at any time after ten days (Sundays excluded) before the day on which the second session of any Congress of the United States will expire under the Constitution; nor will the Senate receive and act upon

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any such bills, if originated in the House of Representatives of the United States at a day later than is herein before prescribed; nor will the Senate receive any other bill at a later day, in any session of Congress, than will allow three days (exclusive of Sundays) for the due and deliberate reading and discussion of such bills.

On which, a motion was made that the consideration of this motion be postponed to the next session of Congress; and it was determined in the affirmative—yeas 18, nays 8, as follows:

YEAS.—Messrs. Bloodworth, Blount, Bradford, Cocke, Foster, Goodhue, Gunn, Hillhouse, Howard, Langdon, Livermore, Marshall, Martin, Mason, Paine, Tattnall, Tazewell, and Tichenor.

NAYS.—Messrs. Bingham, Latimer, Laurance, Read, Ross, Rutherford, Sedgwick, and Stockton.

Resolved, That the bill last mentioned pass with amendments.

A message from the House of Representatives informed the Senate that the House have postponed the consideration of the bill, entitled "An act to amend the act, entitled 'An act to amend the act, entitled 'An act to enable the officers and soldiers of the Virginia line on Continental Establishment to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Sciota;'" and the bill, entitled "An act to authorize the sale of the lands between the Great and Little Miami rivers, in the Western Territory of the United States, and giving a pre-emption of the same to certain purchasers and settlers"—until the first Monday of December next.

They have passed a bill, entitled "An act for the relief of John Brown," and a bill, entitled "An act to authorize the adjustment and payment at the Treasury of the expenses of George Smith and John Robertson, for their ransom from captivity at Algiers;" in which bills they desire the concurrence of the Senate.

They have passed the bill sent from the Senate for concurrence, entitled "An act concerning the Circuit Courts of the United States," with amendments; in which they desire the concurrence of the Senate.

They concur in the bill sent from the Senate for concurrence, entitled "An act to alter the time of the next meeting of Congress."

They agree to the amendments of the Senate to the "Resolution for the distribution of an edition of the laws of the United States."

The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act concerning the Circuit Courts of the United States;" and

Resolved, That they do concur therein.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of John Brown," was read; and it was agreed, by unanimous consent, to dispense with the rule, and that this bill be now read the second time.

Ordered, That it be referred to Messrs. BRADFORD, GOODHUE, and HENRY, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to authorize the adjustment and payment, at the Treasury,

of the expenses of George Smith and John Robertson, for their ransom from captivity at Algiers," was read; and it was agreed, by unanimous consent, to dispense with the rule, and that this bill be now read the second time.

Ordered, That it be referred to the committee last named to consider and report thereon to the Senate.

The Senate adjourned to six o'clock in the evening.

FRIDAY EVENING, March 3.

Mr. BRADFORD, from the committee to whom was referred the two bills last mentioned, reported that they severally pass without amendment; and, by unanimous consent, these bills were severally read the third time.

Resolved, That the Senate concur in these bills respectively.

The Senate proceeded to consider the report of the committee to whom was referred the letter and enclosures from the Governor of North Carolina, relative to the extinguishment of the Indian title to lands granted to I. Glasgow and Co. by the State of North Carolina; the address of the Legislature of the State of Tennessee, on the same subject; and, also, the petition of I. Glasgow and others, relative to lands entered in the office of John Armstrong, Esq., and since ceded to the United States; which report is as follows:

"That the State of North Carolina did, by a law passed on the 2d day of May, 1778, declare the Western boundary or line of said State, comprehending all the lands then claimed to have been ceded by the Indians or conquered from them, which line did not extend so far westwardly, or into the Indian country, as the present boundary line between the United States and the Indian tribes; declaring all past entries or surveys to be void, and prohibiting all future entries or surveys over and beyond said line, which was also recognised by a law passed the 13th of September, 1780. On the 17th of May, 1783, said State passed a law declaring it expedient to extend the Western boundary of said State, and that the same was, in and by said law, extended to the Mississippi, including the lands in question, and opening a land office for entering and surveying the same, for the discharge of certain debts of said State, contracted during the late war; excepting, from such entry and survey, certain tracts described in said act, and declared to be reserved for the Indians and other special purposes. The entries and surveys which have been made by the claimants on the lands in question, were under said act, and an act of the 2d of June, 1784; but it does not appear that the Indian title to said lands has ever been extinguished. The Treaty of Hopewell, between the United States and the Cherokee tribe of Indians, made on the 28th of November, 1785, established a line between the United States and said tribe, excluded a large portion of the lands which are claimed to have been entered and surveyed under said acts; at which Treaty, the agent of North Carolina attended, and entered his protest against it, as intrenching upon the rights of that State; this Treaty was, however, agreed to, and ratified by the United States and said tribe, on the 21st of November, 1789. North Carolina acceded to the present Constitution of the United States, and, on the 22d of December following, passed an act

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ceding to the United States all her claim to territory lying west of a certain line, and including all the said lands; in which cession it is, among other things, made a condition "that all entries made by, or grants made to, all and every person or persons whatsoever, agreeable to law, and within the limits thereby intended to be ceded to the United States, should have the same force and effect as if such cession had not been made; and that all and every right of occupancy and pre-emption, and every other right, reserved by any act or acts to persons settled on and occupying lands within the limits of the lands hereby intended to be ceded as aforesaid, shall continue to be in full force, in the same manner as if the cession had not been made, and as conditions upon which the said lands are ceded to the United States, which cession was, by an act of Congress of the 2d of April, 1790, accepted. On the 2d of July, 1791, the Treaty of Holston was made with the said Cherokee tribe of Indians, in which the present boundary line between the United States and the said Indian tribe was established, and all the lands lying beyond the said line secured thereby to the said tribe. It appears to the committee, that whatever right the claimants have can be no other than a pre-emptive right to said land, and only such of them as by conforming to the laws of the State of North Carolina, so as to have secured to themselves a title under such laws, and cannot claim of the United States anything more than a confirmation of that title; and therefore recommend the following resolutions:

"Resolved, That as soon as the Indian title to the said lands shall be extinguished, under the authority of the United States, by purchase or otherwise, provision ought, by law, to be made to secure to such of the said claimants, as, by conforming to the laws of North Carolina, have secured to themselves a title to the right of pre-emption under such laws, the occupancy and possession of such lands.

"Resolved, That provision ought, by law, to be made for opening a land office, for the sale of lands lying within the limits of the State of Tennessee, belonging to the United States, to which the Indian title has been extinguished, providing that the occupants shall have a priority in the location of such of the said lands as now are in their actual possession and improvement, upon such reasonable terms as may be fixed by law."

Ordered, That the further consideration of this report be postponed to the next session of Congress.

A message from the House of Representatives informed the Senate that the House agree to the first, and disagree to the second, amendment of the Senate to the bill, entitled "An act making appropriations for the Military and Naval Establishments, for the year one thousand seven hundred and ninety-seven."

Resolved, That the Senate recede from their amendment, disagreed to by the House of Representatives.

Mr. HOWARD reported, from the committee to whom was recommended the bill respecting the appointment of an health officer and harbor master for the port of Wilmington, in the State of North Carolina.

Ordered, That the further consideration of this bill be postponed to the next session of Congress.

On motion, that it be

"Resolved, by the Senate and House of Representatives

of the United States of America in Congress assembled, That the Attorney General of the United States be directed to institute and prosecute such suit or suits, in law or equity, as, in his judgment, may be proper, to recover and obtain of John Cleves Symmes, and his associates, payment for the surplus lands contained in the grant made to him by the United States, or to vacate the said grant for so much land as the said grant has been improperly obtained for."

Ordered, That the consideration of this motion be postponed.

Ordered, That Messrs. STOCKTON and SEDGWICK be a joint committee, on the part of the Senate, with such as the House of Representatives may appoint on their part, to wait on the PRESIDENT OF THE UNITED STATES, and notify him that, unless he hath any further communications to make to the two Houses of Congress, they are ready to adjourn.

A message from the House of Representatives informed the Senate that the House have appointed a joint committee on their part, to wait on the PRESIDENT OF THE UNITED STATES, and notify him, that, unless he hath any further communications to make to the two Houses of Congress, they are ready to adjourn.

Mr. SEDGWICK reported, from the joint committee last mentioned, that the PRESIDENT OF THE UNITED STATES hath no further communication to make, except his wishes for the health and happiness of the members of the two Houses of Congress respectively. Whereupon,

The Senate adjourned without day.

SPECIAL SESSION.

SATURDAY, March 4.

To the Vice President and Senators of the United States, respectively:

SIR: It appearing to me proper that the Senate of the United States should be convened on Saturday, the fourth of March instant, you are desired to attend in the Chamber of the Senate, on that day, at ten o'clock in the forenoon, to receive any communications which the President of the United States may then lay before you, touching their interests.

G. WASHINGTON.

MARCH 1, 1797.

In conformity with the summons from the PRESIDENT OF THE UNITED STATES, above recited, the Senate accordingly assembled in their Chamber.

PRESENT:

THOMAS JEFFERSON, Vice President of the United States and President of the Senate.

JOHN LANGDON and SAMUEL LIVERMORE, from New Hampshire;

THEODORE SEDGWICK and BENJAMIN GOODHUE, from Massachusetts;

THEODORE FOSTER, from Rhode Island;

JAMES HILLHOUSE and URIAH TRACY, from Connecticut;

ELIJAH PAINE and ISAAC TICHENOR, from Vermont;

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JOHN LAURANCE, from New York ;
 RICHARD STOCKTON, from New Jersey ;
 JAMES ROSS and WILLIAM BINGHAM, from
 Pennsylvania ;

JOHN VINING and HENRY LATIMER, from Dela-
 ware ;

JOHN HENRY and JOHN E. HOWARD, from Ma-
 ryland ;

HENRY TAZEWEILL and STEVENS T. MASON,
 from Virginia ;

JOHN BROWN and HUMPHREY MARSHALL, from
 Kentucky ;

ALEXANDER MARTIN and TIMOTHY BLOOD-
 WORTH, from North Carolina ;

WILLIAM BLOUNT, from Tennessee ;

JACOB READ, from South Carolina ;

JAMES GUNN and JOSIAH TATTNALL, from
 Georgia.

Mr. BINGHAM administered the oath of office to
 the VICE PRESIDENT, who took the Chair, and the
 credentials of the following members were read :

Of Mr. FOSTER, Mr. GOODHUE, Mr. HILLHOUSE,
 Mr. HOWARD, Mr. LATIMER, Mr. MASON, Mr.
 ROSS, and Mr. TICHENOR.

And the oath of office being severally adminis-
 tered to them by the VICE PRESIDENT, they took
 their seats in the Senate.

The VICE PRESIDENT then addressed the Senate
 as follows :

Gentlemen of the Senate :

Entering on the duties of the office to which I am
 called, I feel it incumbent on me to apologize to this
 honorable House for the insufficient manner in which I
 fear they may be discharged. At an earlier period of
 my life, and through some considerable portion of it,
 I have been a member of Legislative bodies, and not alto-
 gether inattentive to the forms of their proceedings ; but
 much time has elapsed since that ; other duties have
 occupied my mind, and, in a great degree, it has lost its
 familiarity with this subject. I fear that the House will
 have but too frequent occasion to perceive the truth of
 this acknowledgment. If a diligent attention, however,
 will enable me to fulfil the functions now assigned me,
 I may promise that diligence and attention shall be
 sedulously employed. For one portion of my duty, I
 shall engage with more confidence, because it will de-
 pend on my will and not my capacity. The rules which
 are to govern the proceedings of this House, so far as
 they shall depend on me for their application, shall be
 applied with the most rigorous and inflexible impar-
 tiality, regarding neither persons, their views, nor prin-
 ciples, and seeing only the abstract proposition subject to
 my decision. If, in forming that decision, I concur with
 some and differ from others, as must of necessity hap-
 pen, I shall rely on the liberality and candor of those
 from whom I differ, to believe, that I do it on pure
 motives.

I might here proceed, and with the greatest truth,
 to declare my zealous attachment to the Constitution of
 the United States, that I consider the union of these
 States as the first of blessings, and as the first of duties
 the preservation of that Constitution which secures it ;
 but I suppose these declarations not pertinent to the
 occasion of entering into an office whose primary busi-
 ness is merely to preside over the forms of this House,
 and no one more sincerely prays that no accident may
 call me to the higher and more important functions

which the Constitution eventually devolves on this office.
 These have been justly confided to the eminent charac-
 ter which has preceded me here, whose talents and in-
 tegrity have been known and revered by me through a
 long course of years, have been the foundation of a cor-
 dial and uninterrupted friendship between us, and I de-
 voutly pray he may be long preserved for the govern-
 ment, the happiness, and prosperity, of our common
 country.

On motion, it was agreed to repair to the Cham-
 ber of the House of Representatives to attend the
 administration of the oath of office to JOHN ADAMS,
 President of the United States ; which the Senate
 accordingly did ; and, being seated, the PRESIDENT
 of the UNITED STATES (attended by the Heads
 of Departments, the Marshal of the District, and
 his officers) came into the Chamber of the House
 of Representatives and took his seat in the Chair
 usually occupied by the SPEAKER. The VICE
 PRESIDENT and Secretary of the Senate were
 seated in advance, inclining to the right of the
 PRESIDENT, the late SPEAKER of the House of Re-
 presentatives and Clerk on the left, and the Jus-
 tices of the Supreme Court were seated round a
 table in front of the PRESIDENT of the UNITED
 STATES. The late PRESIDENT of the UNITED
 STATES, the great and good WASHINGTON, took a
 seat, as a private citizen, a little in front of the
 seats assigned for the Senate, which were on the
 South side of the House, the foreign Ministers and
 Members of the House of Representatives took
 their usual seats—a great concourse of both sexes
 being present. After a short pause, the PRES-
 IDENT of the UNITED STATES arose, and commu-
 nicated the following Address :

“ When it was first perceived, in early times, that no
 middle course for America remained, between unlim-
 ited submission to a foreign Legislature, and a total in-
 dependence of its claims, men of reflection were less
 apprehensive of danger, from the formidable power of
 fleets and armies they must determine to resist, than
 from those contests and dissensions, which would cer-
 tainly arise concerning the forms of government to be
 instituted over the whole and over the parts of this ex-
 tensive country. Relying, however, on the purity of
 their intentions, the justice of their cause, and the in-
 tegrity and intelligence of the people, under an over-
 ruling Providence, which had so signally protected this
 country from the first, the representatives of this nation,
 then consisting of little more than half its present num-
 ber, not only broke to pieces the chains which were
 forging, and the rod of iron that was lifted up, but
 frankly cut asunder the ties which had bound them, and
 launched into an ocean of uncertainty.

“ The zeal and ardor of the people, during the Revo-
 lutionary war, supplying the place of government, com-
 manded a degree of order, sufficient at least for the pre-
 servation of society. The Confederation, which was
 early felt to be necessary, was prepared from the models
 of the Batavian and Helvetic Confederacies, the only
 examples which remain, with any detail and precision,
 in history, and certainly the only ones which the people
 at large had ever considered. But, reflecting on the
 striking difference, in many particulars, between this
 country and those where a courier may go from the seat
 of Government to the frontier in a single day, it was
 then certainly foreseen by some who assisted in Con-
 gress at the formation of it, that it could not be durable.

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"Negligence of its regulations, inattention to its recommendations, if not disobedience to its authority, not only in individuals but in States, soon appeared, with their melancholy consequences; universal languor; jealousies and rivalries of States; decline of navigation and commerce; discouragement of necessary manufactures; universal fall in the value of lands and their produce; contempt of public and private faith; loss of consideration and credit with foreign nations; and, at length, in discontents, animosities, combinations, partial conventions, and insurrection, threatening some great national calamity.

"In this dangerous crisis, the people of America were not abandoned by their usual good sense, presence of mind, resolution, or integrity. Measures were pursued to concert a plan, to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty. The public disquisitions, discussions, and deliberations, issued in the present happy Constitution of Government.

"Employed in the service of my country abroad, during the whole course of these transactions, I first saw the Constitution of the United States in a foreign country. Irritated by no literary altercation, animated by no public debate, heated by no party animosity, I read it with great satisfaction, as a result of good heads, prompted by good hearts; as an experiment, better adapted to the genius, character, situation, and relations, of this nation and country, than any which had ever been proposed or suggested. In its general principles and great outlines, it was conformable to such a system of government as I had ever most esteemed, and in some States, my own native State in particular, had contributed to establish. Claiming a right of suffrage, in common with my fellow-citizens, in the adoption or rejection of a Constitution which was to rule me and my posterity, as well as them and theirs, I did not hesitate to express my approbation of it, on all occasions, in public and in private. It was not then, nor has been since, any objection to it, in my mind, that the Executive and Senate were not more permanent. Nor have I ever entertained a thought of promoting any alteration in it, but such as the people themselves, in the course of their experience, should see and feel to be necessary or expedient, and by their Representatives in Congress and the State Legislatures, according to the Constitution itself, adopt and ordain.

"Returning to the bosom of my country, after a painful separation from it, for ten years, I had the honor to be elected to a station under the new order of things, and I have repeatedly laid myself under the most serious obligations to support the Constitution. The operation of it has equalled the most sanguine expectations of its friends, and from an habitual attention to it, satisfaction in its administration and delight in its effects upon the peace, order, prosperity, and happiness of the nation, I have acquired an habitual attachment to it, and veneration for it.

"What other form of Government, indeed, can so well deserve our esteem and love?

"There may be little solidity in an ancient idea, that congregations of men into cities and nations are the most pleasing objects in the sight of superior intelligences; but this is very certain, that, to a benevolent human mind, there can be no spectacle presented by any nation more pleasing, more noble, majestic, or august, than an assembly like that which has so often been seen in this and the other chamber of Congress, of a Government,

in which the Executive authority, as well as that of all the branches of the Legislature, are exercised by citizens selected, at regular periods, by their neighbors, to make and execute laws for the general good. Can anything essential, anything more than mere ornament and decoration, be added to this by robes and diamonds? Can authority be more amiable and respectable, when it descends from accidents, or institutions established in remote antiquity, than when it springs fresh from the hearts and judgments of an honest and enlightened people? For, it is the people only that are represented: it is their power and majesty that are reflected, and only for their good, in every legitimate Government, under whatever form it may appear. The existence of such a Government as ours, for any length of time, is a full proof of a general dissemination of knowledge and virtue throughout the whole body of the people. And what object or consideration more pleasing than this can be presented to the human mind? If national pride is ever justifiable or excusable, it is when it springs, not from power or riches, grandeur or glory, but from conviction of national innocence, information, and benevolence.

"In the midst of these pleasing ideas, we should be unfaithful to ourselves, if we should ever lose sight of the danger to our liberties, if anything partial or extraneous should infect the purity of our free, fair, virtuous, and independent elections. If an election is to be determined by a majority of a single vote, and that can be procured by a party, through artifice or corruption, the Government may be the choice of a party, for its own ends, not of the nation for the national good. If that solitary suffrage can be obtained by foreign nations, by flattery or menaces, by fraud or violence, by terror, intrigue, or venality, the Government may not be the choice of the American people, but of foreign nations. It may be foreign nations who govern us, and not we the people who govern ourselves. And candid men will acknowledge, that, in such cases, choice would have little advantage to boast of, over lot or chance.

"Such is the amiable and interesting system of Government (and such are some of the abuses to which it may be exposed) which the people of America have exhibited to the admiration and anxiety of the wise and virtuous of all nations, for eight years, under the administration of a citizen, who, by a long course of great actions, regulated by prudence, justice, temperance, and fortitude, conducting a people, inspired with the same virtues, and animated with the same ardent patriotism and love of liberty, to independence and peace, to increasing wealth and unexampled prosperity, has merited the gratitude of his fellow-citizens, commanded the highest praises of foreign nations, and secured immortal glory with posterity.

"In that retirement which is his voluntary choice, may he long live to enjoy the delicious recollection of his services, the gratitude of mankind, the happy fruits of them to himself and the world, which are daily increasing, and that splendid prospect of the future fortunes of this country, which is opening from year to year. His name may be still a rampart, and the knowledge that he lives a bulwark, against all open or secret enemies of his country's peace. This example has been recommended to the imitation of his successors, by both Houses of Congress, and by the voice of the Legislatures and the people throughout the nation.

"On this subject it might become me better to be silent, or to speak with diffidence; but, as something may be expected, the occasion, I hope, will be admitted

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as an apology, if I venture to say, that, if a preference, upon principle, of a free Republican Government, formed upon long and serious reflection, after a diligent and impartial inquiry after truth; if an attachment to the Constitution of the United States, and a conscientious determination to support it, until it shall be altered by the judgments and wishes of the people, expressed in the mode prescribed in it; if a respectful attention to the Constitutions of the individual States, and a constant caution and delicacy towards the State Governments; if an equal and impartial regard to the rights, interest, honor, and happiness, of all the States in the Union, without preference or regard to a Northern or Southern, an Eastern or Western position, their various political opinions, on unessential points, or their personal attachments; if a love of virtuous men of all parties and denominations; if a love of science and letters, and a wish to patronize every rational effort to encourage schools, colleges, universities, academies, and every institution for propagating knowledge, virtue, and religion, among all classes of the people, not only for their benign influence on the happiness of life in all its stages and classes, and of society in all its forms, but as the only means of preserving our Constitution from its natural enemies, the spirit of sophistry, the spirit of party, the spirit of intrigue, the profligacy of corruption, and the pestilence of foreign influence, which is the angel of destruction to elective Governments; if a love of equal laws, of justice, and humanity, in the interior administration; if an inclination to improve agriculture, commerce, and manufactures, for necessity, convenience, and defence; if a spirit of equity and humanity towards the aboriginal nations of America, and a disposition to meliorate their condition, by inclining them to be more friendly to us, and our citizens to be more friendly to them; if an inflexible determination to maintain peace and inviolable faith with all nations, and that system of neutrality and impartiality among the belligerent Powers of Europe, which has been adopted by this Government, and so solemnly sanctioned by both Houses of Congress, and applauded by the Legislatures of the States and the public opinion, until it shall be otherwise ordained by Congress; if a personal esteem for the French nation, formed in a residence of seven years, chiefly among them, and a sincere desire to preserve the friendship which has been so much for the honor and interest of both nations; if, while the conscious honor and integrity of the people of America, and the internal sentiment of their own power and energies must be preserved, an earnest endeavor to investigate every just cause, and remove every colorable pretence of complaint; if an intention to pursue, by amicable negotiation, a reparation for the injuries that have been committed on the commerce of our fellow-citizens, by whatever nation, and, if success cannot be obtained, to lay the facts before the Legislature, that they may con-

sider what further measures the honor and interest of the Government and its constituents demand; if a resolution to do justice, as far as may depend upon me, at all times and to all nations, and maintain peace, friendship, and benevolence, with all the world; if an unshaken confidence in the honor, spirit, and resources of the American people, on which I have so often hazarded my all, and never been deceived; if elevated ideas of the high destinies of this country, and of my own duties towards it, founded on a knowledge of the moral principles and intellectual improvements of the people, deeply engraven on my mind in early life, and not obscured, but exalted by experience and age; and, with humble reverence, I feel it to be my duty to add, if a veneration for the religion of a people who profess and call themselves Christians, and a fixed resolution to consider a decent respect for Christianity among the best recommendations for the public service, can enable me, in any degree, to comply with your wishes, it shall be my strenuous endeavor, that this sagacious injunction of the two Houses shall not be without effect.

"With this great example before me, with the sense and spirit, the faith and honor, the duty and interest, of the same American people, pledged to support the Constitution of the United States, I entertain no doubt of its continuance in all its energy, and my mind is prepared, without hesitation, to lay myself under the most solemn obligations to support it to the utmost of my power.

"And may that Being, who is supreme over all, the Patron of order, the Fountain of justice, and the Protector, in all ages of the world, of virtuous liberty, continue his blessing upon this nation and its Government, and give it all possible success and duration, consistent with the ends of His Providence."

The oath of office was then administered to him by the Chief Justice of the Supreme Court of the United States, the Associate Justices attending. After which, the PRESIDENT of the UNITED STATES retired, and the Senate repaired to their own Chamber.

On motion,

Ordered, That MESSRS. LANGDON and SEDGWICK be a committee to wait on the PRESIDENT of the UNITED STATES, and notify him that the Senate is assembled, and ready to adjourn, unless he may have any communications to make to them.

Mr. LANGDON reported, from the committee, that they had waited on the PRESIDENT of the UNITED STATES, who replied, that he had no communication to make to the Senate, except his good wishes for their health and prosperity, and a happy meeting with their families and friends.

The Senate then adjourned without day.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE SECOND SESSION OF THE FOURTH CONGRESS, BEGUN AND HELD AT
THE CITY OF PHILADELPHIA, DECEMBER 5, 1796.

MONDAY, December 5, 1796.

This being the day appointed by the Constitution for the annual meeting of Congress, in the House of Representatives the following named members appeared and took their seats, viz:

From New Hampshire.—ABIEL FOSTER, NICHOLAS GILMAN, JOHN S. SHERBURNE, and JEREMIAH SMITH.

From Massachusetts.—FISHER AMES, THEOPHILUS BRADBURY, HENRY DEARBORN, DWIGHT FOSTER, NATHANIEL FREEMAN, JR., SAMUEL LYMAN, WILLIAM LYMAN, JOHN REED, GEORGE THATCHER, JOSEPH B. VARNUM, and PELEG WADSWORTH.

From Rhode Island.—FRANCIS MALBONE.

From Connecticut.—JOSHUA COIT, CHAUNCEY GOODRICH, ROGER GRISWOLD, NATHANIEL SMITH, and ZEPHANIAH SWIFT.

From New York.—THEODORUS BAILEY, WILLIAM COOPER, EZEKIEL GILBERT, HENRY GLEN, JONATHAN N. HAVENS, JOHN E. VAN ALLEN, PHILIP VAN CORTLANDT, and JOHN WILLIAMS.

From New Jersey.—JONATHAN DAYTON, AARON KITCHELL, and ISAAC SMITH.

From Pennsylvania.—ALBERT GALLATIN, SAMUEL MACLAY, FREDERICK AUGUSTUS MUHLBERG, JOHN RICHARDS, SAMUEL SITGREAVES, and JOHN SWANWICK.

From Delaware.—JOHN PATTON.

From Maryland.—GEORGE DENT, WILLIAM HINDMAN, and RICHARD SPRIGG, JUN.

From Virginia.—JOHN CLOPTON, ISAAC COLES, GEORGE JACKSON, JAMES MADISON, ANTHONY NEW, and ROBERT RUTHERFORD.

From Kentucky.—CHRISTOPHER GREENUP.

From North Carolina.—THOMAS BLOUNT and MATTHEW LOCKE.

From South Carolina.—WILLIAM SMITH.

From Georgia.—ABRAHAM BALDWIN.

The following new members appeared, produced their credentials, were qualified, and took their seats, viz:

From Tennessee.—ANDREW JACKSON.

From Maryland.—WILLIAM CRAIK, in place of JEREMIAH CRABB, resigned.

From Connecticut.—JAMES DAVENPORT, in place of JAMES HILLHOUSE, appointed a Senator of the United States.

The SPEAKER laid before the House a Letter from the Governor of Pennsylvania, with the return of the election of GEORGE EGE, to serve as a member of the House in place of DANIEL HEISTER, resigned.

A quorum, consisting of a majority of the whole number being present, it was ordered that the Clerk wait on the Senate, to inform them that this House was ready to proceed to business; but it appeared that the Senate had not been able to form a quorum by one member, and had adjourned.

Mr. WILLIAM SMITH presented a petition from Thomas Lloyd, proposing to take, in short-hand, and publish the Debates of Congress at \$1,000 per session salary. The expense of printing, &c. he estimated at \$540, for which he would furnish the House with five hundred copies of that work; engaging to use every possible precaution, and pay prompt attention.

Mr. S. referred to the unfavorable reception of a proposal of this nature at the last session, and supposed this would not be more successful; however, he moved that it be referred to a committee.

The motion was agreed to, and Mr. W. SMITH, Mr. GALLATIN, and Mr. SWIFT, were appointed to examine the petition, and report thereon to the House.

TUESDAY, December 6.

Several other members, to wit: from Vermont, ISRAEL SMITH; from New Jersey, MARK THOMPSON; from Pennsylvania, RICHARD THOMAS; from Virginia, CARTER B. HARRISON, JOHN HEATH, and ABRAHAM VENABLE; and from North Carolina, JESSE FRANKLIN, WILLIAM BARRY GROVE, JAMES HOLLAND, and NATHANIEL MACON, appeared and took their seats in the House.

The SPEAKER observed, that, as there were several returns of new elections of members to serve in this session, it was proper that, pursuant to a rule of the House, a Committee of Elections be appointed.

A committee was accordingly appointed, of Mr. VENABLE, Mr. SWIFT, Mr. DENT, Mr. DEARBORN, Mr. BLOUNT, Mr. MUHLBERG, and Mr. A. FOSTER.

H. OF R.]

President's Speech.

[DECEMBER, 1796.]

Mr. MACON moved that a Committee of Revision and Unfinished Business of last session be appointed, pursuant to the Standing Rules and Orders of the House, observing that, as the session would be but short, it would be necessary to be early in the appointment of committees.

Whereon Mr. GILMAN, Mr. R. SPRIGG, JUN., and Mr. MACON were appointed.

Notice was received that a quorum of the Senate was formed.

On motion, it was, therefore, resolved, that a committee of three members be appointed to wait on the PRESIDENT OF THE UNITED STATES, in conjunction with a committee from the Senate, to inform him that a quorum of both Houses was assembled, and ready to receive any communications that he may please to make. Mr. AMES, Mr. MADISON, and Mr. SITGREAVES, were accordingly appointed.

A message was received from the Senate informing the House that they had formed a quorum: whereupon the Clerk went to the Senate with the resolution of this House. The Secretary soon after returned, informing the House that the Senate had concurred in the resolution, and formed a committee for that purpose.

PROMULGATION OF THE LAWS.

Mr. W. SMITH said, that agreeably to an act passed the last session, the laws of the United States were publishing; but he observed that it would be of much more utility if the laws of the present session could be included; thus the whole of the present Congress would be inserted, together with the completion of the administration of the present PRESIDENT. He observed, that such a motion passed at the last session in the Senate, but was negatived by this House, on account of its affecting the contract made for printing; but he believed, from the knowledge he had gathered on the subject, no great difficulty could be in the way of its accomplishment. He therefore moved that a committee be appointed to prepare and bring in a bill to amend an act for the more general promulgation of the laws of the United States.

A committee was appointed of Mr. GRISWOLD, Mr. WILLIAMS, and Mr. COLES.

FURNISHING NEWSPAPERS.

On motion of Mr. BRADBURY, it was *Resolved*, That the Clerk of this House cause the members to be furnished, during the present session, with three newspapers printed in this city, such as the members, respectively, shall choose, to be delivered at their lodgings, provided they do not exceed the price at which subscribers in Philadelphia are served.

Mr. AMES, from the committee appointed for that purpose, reported that the committee had waited on the PRESIDENT, who was pleased to signify to them that he would make a communication to both Houses of Congress to-morrow, at 12 o'clock, in the Representatives' Chamber.

WEDNESDAY, December 7.

Another member, to wit: SAMUEL SEWALL, from Massachusetts, in place of BENJAMIN GOODHUE, appointed a Senator of the United States, appeared, produced his credentials, was qualified, and took his seat.

A message was sent to the Senate, informing them that this House was ready, agreeably to appointment, to receive communications from the PRESIDENT; whereon the Senate attended and took their seats. At 12 o'clock the PRESIDENT attended, and, after taking his seat, rose and delivered the following Address:

*Gentlemen of the Senate, and
of the House of Representatives:*

In recurring to the internal situation of our country, since I had last the pleasure to address you, I find ample reason for a renewed expression of that gratitude to the Ruler of the Universe, which a continued series of prosperity has so often and so justly called forth.

The acts of the last session, which required special arrangements, have been, as far as circumstances would admit, carried into operation.

Measures calculated to insure a continuance of the friendship of the Indians, and to preserve peace along the extent of our interior frontier, have been digested and adopted. In the framing of these, care has been taken to guard on the one hand our advanced settlements from the predatory incursions of those unruly individuals who cannot be restrained by their tribes; and on the other hand, to protect the rights secured to the Indians by Treaty; to draw them nearer to the civilized state; and inspire them with correct conceptions of the power, as well as justice of the Government.

The meeting of the deputies from the Creek nation at Colrairie, in the State of Georgia, which had for a principal object the purchase of a parcel of their land by that State, broke up without its being accomplished; the nation having, previous to their departure, instructed them against making any sale; the occasion, however, has been improved, to confirm by a new Treaty with the Creeks, their pre-existing engagements with the United States; and to obtain their consent to the establishment of trading houses and military posts within their boundary; by means of which their friendship and the general peace may be more effectually secured.

The period during the late session, at which the appropriation was passed, for carrying in effect to the Treaty of Amity, Commerce, and Navigation, between the United States and his Britannic Majesty, necessarily procrastinated the reception of the posts stipulated to be delivered, beyond the date assigned for that event. As soon, however as the Governor General of Canada could be addressed with propriety on the subject, arrangements were cordially and promptly concluded for their evacuation; and the United States took possession of the principal of them, comprehending Oswego, Niagara, Detroit, Michilimackinac and Fort Miami, where such repairs and additions have been ordered to be made as appeared indispensable.

The Commissioners appointed on the part of the United States and of Great Britain, to determine which is the river St. Croix, mentioned in the Treaty of Peace of 1783, agreed in the choice of Egbert Benson, Esq., of New York for the third Commissioner. The whole met at St. Andrew's, in Passamaquoddy bay, in the be-

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ginning of October, and directed surveys to be made of the rivers in dispute; but deeming it impracticable to have these surveys completed before the next year, they adjourned to meet at Boston in August, 1797, for the final decision of the question.

Other Commissioners appointed on the part of the United States, agreeably to the seventh article of the Treaty with Great Britain, relative to captures and condemnation of vessels and other property, met the Commissioners of His Britannic Majesty in London, in August last, when John Trumbull, Esquire, was chosen by lot for the fifth Commissioner. In October following the Board were to proceed to business. As yet there has been no communication of Commissioners on the part of Great Britain, to unite with those who have been appointed on the part of the United States, for carrying into effect the sixth article of the Treaty.

The Treaty with Spain required that the Commissioners for running the boundary line, between the territory of the United States and His Catholic Majesty's Provinces of East and West Florida, should meet at the Natchez, before the expiration of six months after the exchange of the ratifications, which was effected at Aranjuez on the twenty-fifth day of April; and the troops of His Catholic Majesty occupying any posts within the limits of the United States, were within the same period to be withdrawn. The Commissioner of the United States, therefore, commenced his journey for the Natchez in September, and troops were ordered to occupy the posts from which the Spanish garrison should be withdrawn. Information has been recently received of the appointment of a Commissioner on the part of His Catholic Majesty for running the boundary line, but none of any appointment for the adjustment of the claims of our citizens whose vessels were captured by the armed vessels of Spain.

In pursuance of the act of Congress, passed in the last session, for the protection and relief of American seamen, agents were appointed, one to reside in Great Britain and the other in the West Indies. The effects of the agency in the West Indies are not yet fully ascertained; but those which have been communicated afford grounds to believe the measure will be beneficial. The agent destined to reside in Great Britain declining to accept the appointment, the business has consequently devolved on the Minister of the United States in London, and will command his attention until a new agent shall be appointed.

After many delays and disappointments, arising out of the European war, the final arrangements for fulfilling the engagements made to the Dey and Regency of Algiers, will, in all present appearance, be crowned with success, but under great, though inevitable disadvantages in the pecuniary transactions, occasioned by that war, which will render a further provision necessary. The actual liberation of all our citizens who were prisoners in Algiers, while it gratifies every feeling heart, is itself an earnest of a satisfactory termination of the whole negotiation.

Measures are in operation for effecting Treaties with the Regencies of Tunis and Tripoli.

To an active external commerce, the protection of a Naval force is indispensable: this is manifest with regard to wars in which a State is itself a party. But besides this, it is in our own experience, that the most sincere neutrality is not a sufficient guard against the depredations of nations at war. To secure respect to neutral flag, requires a Naval force, organized and

ready to vindicate it from insult or aggression. This may even prevent the necessity of going to war, by discouraging belligerent Powers from committing such violations of the rights of the neutral party as may, first or last, leave no other option. From the best information I have been able to obtain, it would seem as if our trade to the Mediterranean, without a protecting force, will always be insecure, and our citizens exposed to the calamities from which numbers of them have but just been relieved.

These considerations invite the United States to look to the means, and to set about the gradual creation of a Navy. The increasing progress of their navigation promises them, at no distant period, the requisite supply of seamen; and their means in other respects favor the undertaking. It is an encouragement likewise that their particular situation will give weight and influence to a moderate Naval force in their hands. Will it not, then, be advisable to begin, without delay, to provide and lay up the materials for the building and equipping of ships of war, and to proceed in the work by degrees, in proportion as our resources shall render it practicable without inconvenience; so that a future war of Europe may not find our commerce in the same unprotected state in which it was found by the present?

Congress have repeatedly, and not without success, directed their attention to the encouragement of manufactures. The object is of too much consequence not to insure a continuance of their efforts in every way which shall appear eligible. As a general rule, manufactures on public account are inexpedient. But where the state of things in a country leaves but little hope that certain branches of manufacture will for a great length of time obtain, when these are of a nature essential to the furnishing and equipping of the public force in time of war; are not establishments for procuring them on public account, to the extent of the ordinary demand for the public service, recommended by strong considerations of national policy, as an exception to the general rule? Ought our country to remain in such cases dependant on foreign supply, precarious, because liable to be interrupted? If the necessary articles should in this mode cost more in time of peace, will not the security and independence thence arising form an ample compensation? Establishments of this sort, commensurate only with the calls of the public service in time of peace, will, in time of war, easily be extended in proportion to the exigencies of the Government, and may even, perhaps, be made to yield a surplus for the supply of our citizens at large, so as to mitigate the privations from the interruption of their trade. If adopted, the plan ought to exclude all those branches which are already, or likely soon to be established in the country, in order that there may be no danger of interference with pursuits of individual industry.

It will not be doubted that with reference either to individual or national welfare, agriculture is of primary importance. In proportion as nations advance in population, and other circumstances of maturity, this truth becomes more apparent, and renders the cultivation of the soil more and more an object of public patronage. Institutions for promoting it grow up, supported by the public purse; and to what object can it be dedicated with greater propriety? Among the means which have been employed to this end, none have been attended with greater success than the establishment of Boards, composed of proper characters, charged with collecting and diffusing information, and enabled by premiums,

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and small pecuniary aids, to encourage and assist a spirit of discovery and improvement. This species of establishment contributes doubly to the increase of improvement, by stimulating to enterprise and experiment, and by drawing to a common centre the results everywhere of individual skill and observation, and spreading them thence over the whole nation. Experience accordingly has shown that they are very cheap instruments of immense national benefits.

I have heretofore proposed to the consideration of Congress the expediency of establishing a National University, and also a Military Academy. The desirableness of both these institutions has so constantly increased with every new view I have taken of the subject, that I cannot omit the opportunity of once for all recalling your attention to them.

The Assembly to which I address myself is too enlightened not to be fully sensible how much a flourishing state of the arts and sciences contributes to national prosperity and reputation. True it is that our country, much to its honor, contains many seminaries of learning highly respectable and useful; but the funds upon which they rest are too narrow to command the ablest professors in the different departments of liberal knowledge for the institution contemplated, though they would be excellent auxiliaries.

Amongst the motives to such an institution the assimilation of the principles, opinions, and manners of our countrymen, by the common education of a portion of our youth from every quarter, well deserves attention. The more homogeneous our citizens can be made in these particulars, the greater will be our prospect of permanent union; and a primary object of such a national institution should be the education of our youth in the science of Government. In a Republic, what species of knowledge can be equally important? and what duty more pressing on its Legislature, than to patronize a plan for communicating it to those who are to be the future guardians of the liberties of the country?

The institution of a Military Academy is also recommended by cogent reasons. However pacific the general policy of a nation may be, it ought never to be without an adequate stock of military knowledge for emergencies. The first would impair the energy of its character, and both would hazard its safety, or expose it to greater evils when war could not be avoided: besides, that war might often not depend upon its own choice. In proportion as the observance of pacific maxims might exempt a nation from the necessity of practising the rules of the military art, ought to be its care in preserving and transmitting by proper establishments the knowledge of that art. Whatever argument may be drawn from particular examples, superficially viewed, a thorough examination of the subject will evince that the art of war is at once comprehensive and complicated; that it demands much previous study; and that the possession of it, in its most improved and perfect state, is always of great moment to the security of a nation. This, therefore, ought to be a serious care of every Government; and for this purpose an Academy, where a regular course of instruction is given, is an obvious expedient, which different nations have successfully employed.

The compensations to the officers of the United States in various instances, and in none more than in respect to the most important stations, appear to call for Legislative revision. The consequences of a defective provision are of serious import to the Government.

If private wealth is to supply the defect of public retribution, it will greatly contract the sphere within which the selection of character for office is to be made, and will proportionally diminish the probability of a choice of men, able, as well as upright. Besides, that it would be repugnant to the vital principles of our Government virtually to exclude from public trusts, talents and virtue, unless accompanied by wealth.

While in our external relations some serious inconveniences and embarrassments have been overcome, and others lessened, it is with much pain and deep regret I mention that circumstances of a very unwelcome nature have lately occurred. Our trade has suffered, and is suffering, extensive injuries in the West Indies, from the cruisers and agents of the French Republic; and communications have been received from its Minister here which indicate the danger of a further disturbance of our commerce, by its authority, and which are, in other respects, far from agreeable.

It has been my constant, sincere, and ardent wish, in conformity with that of our nation, to maintain cordial harmony and a perfectly friendly understanding with that Republic. This wish remains unabated; and I shall persevere in the endeavor to fulfil it to the utmost extent of what shall be consistent with a just and indispensable regard to the rights and honor of our country; nor will I easily cease to cherish the expectation that a spirit of justice, candor, and friendship on the part of the Republic will eventually insure success.

In pursuing this course, however, I cannot forget what is due to the character of our Government and nation, or to a full and entire confidence in the good sense, patriotism, self-respect, and fortitude of my countrymen.

I reserve for a special Message a more particular communication on this interesting subject.

Gentlemen of the House of Representatives:

I have directed an estimate of the appropriations necessary for the service of the ensuing year, to be submitted from the proper Department, with a view of the public receipts and expenditures to the latest period to which an account can be prepared.

It is with satisfaction I am able to inform you that the revenues of the United States continue in a state of progressive improvement.

A reinforcement of the existing provisions for discharging our Public Debt was mentioned in my Address at the opening of the last session. Some preliminary steps were taken towards it, the maturing of which will, no doubt, engage your zealous attention during the present. I will only add, that it will afford me a heartfelt satisfaction to concur in such further measures as will ascertain to our country the prospect of a speedy extinguishment of the Debt. Posterity may have cause to regret, if from any motive, intervals of tranquility are left unimproved for accelerating this valuable end.

*Gentlemen of the Senate, and
of the House of Representatives:*

My solicitude to see the Militia of the United States placed on an efficient establishment has been so often and so ardently expressed that I shall but barely recall the subject to your view on the present occasion; at the same time that I shall submit to your inquiry, whether our harbors are yet sufficiently secured.

The situation in which I now stand, for the last time, in the midst of the Representatives of the People of the United States, naturally recalls the period when the ad-

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ministration of the present form of Government commenced; and I cannot omit the occasion to congratulate you and my country on the success of the experiment; nor to repeat my fervent supplications to the Supreme Ruler of the Universe and Sovereign Arbitrer of Nations that His providential care may still be extended to the United States; that the virtue and happiness of the people may be preserved; and that the Government which they have instituted for the protection of their liberties may be perpetual.

G. WASHINGTON.

UNITED STATES, December 7, 1796.

When the PRESIDENT had concluded his Address, he presented copies of it to the PRESIDENT of the Senate and the SPEAKER of the House of Representatives. The PRESIDENT and the Senate then withdrew, and the SPEAKER took the Chair. The Address was again read by the Clerk, and on motion, committed to a Committee of the Whole House to-morrow.

THURSDAY, December 8.

JAMES GILLESPIE, from North Carolina, appeared and took his seat in the House.

A new member, to wit: GEORGE EGE, from Pennsylvania, in place of DANIEL HEISTER, resigned, appeared, produced his credentials, was qualified, and took his seat.

Mr. GRISWOLD, from the committee appointed to bring in a bill to amend the act for the more general promulgation of the laws of the United States, reported a bill, which was twice read, and committed to a Committee of the Whole House, and made the order of the day for to-morrow.

Mr. W. SMITH presented a petition from Thomas Carpenter, praying encouragement to a publication of the debates of Congress from a short-hand manuscript, to be taken in the House, of which he had issued proposals; which was referred to the committee appointed to examine the petition of Thomas Lloyd on the same subject.

Mr. HEATH said, that by the standing order of the House, a Committee of Claims ought to be appointed, as the claims were numerous, and become very pressing on the House; he would therefore move, that a Committee of Claims be now appointed; which was accordingly done, and Mr. D. FOSTER, Mr. MALBONE, Mr. MACLAY, Mr. HEATH, Mr. MACON, Mr. THOMPSON, and Mr. WILLIAMS, were appointed on the said committee.

Mr. WILLIAMS moved, "That two Chaplains of different denominations be chosen, one by each House, to exchange weekly;" which was agreed to.

ADDRESS TO THE PRESIDENT.

On the motion of Mr. W. SMITH, the House went into a Committee of the Whole on the PRESIDENT'S Address, according to the order of the day. The Speech was read by the Clerk.

Mr. D. FOSTER moved the following resolution:

"Resolved, That it is the opinion of this Committee, that a respectful Address ought to be presented from the House of Representatives, to the President of the United States, in answer to his Speech to both Houses

of Congress, at the commencement of the session, containing assurances, that this House will take into consideration the many important matters recommended to their attention."

Which was unanimously agreed to, and Mr. AMES, Mr. BALDWIN, Mr. MADISON, Mr. SINGREAVES, and Mr. W. SMITH were appointed a committee to draw up the Address. The Committee rose, and the resolution was adopted by the House.

Mr. W. SMITH presented a petition from Thomas W. Baker, postmaster at Charlestown, praying an increase of salary, as articles of necessity had become dearer, and his business is become more weighty, which was ordered to lie on the table until a committee be appointed on Post Offices and Post Roads.

Mr. THATCHER then moved

"That a committee be appointed to inquire if any, and what alterations are necessary to be made in the act for establishing Post Offices and Post Roads within the United States, and to report by bill or otherwise:"

Mr. THATCHER, Mr. BAYLEY, Mr. COLES, Mr. COIT, Mr. GROVES, Mr. WILLIAMS, Mr. BALDWIN, Mr. EGE, and Mr. ANDREW JACKSON, were accordingly appointed on that committee.

Mr. W. SMITH made mention of the petition of Henry Hill, which had been last session referred to the Committee of Claims, but too late to be taken up by the House. He therefore moved that it be now committed to a Committee of the Whole House.

Mr. MACON thought it would be more in order for the Committee of Revision and Unfinished Business, which was yesterday appointed to report first, as this business would of course be included; however, his only objection was to preserve order.

Mr. W. SMITH said, he saw no necessity of waiting the report of that committee; he thought the business of that committee lay in reporting such business to the House as would otherwise escape the notice of gentlemen, not to prevent members making motion on any case; he thought this had been the practice of the House.

Mr. MACON said, the gentleman was right in part; it had been usual, in time past, to bring notions of this kind immediately before the House, but the last session was the first time a committee of this kind had been appointed, in order to remove some ill consequences attending such a practice.

Mr. SPEAKER said, that this, with all other business remaining from the last session, would be sent to the committee. He thought if the House took up this report separately, it would not be altogether so orderly as to leave it for a committee to report thereon.

Mr. W. SMITH said, that this would be putting too much power into the hands of the committee, whereby they may protract business, which required haste in its decision.

Mr. BALDWIN thought, that as the committee would soon meet, their object would be to discharge the most urgent business earliest. He

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thought if there was not anything very pressing in it, the most regular way would be to let it come before the House through the committee. However, if there was anything pressing in the case, he would not stand in its way.

Mr. WILLIAMS said, that as this committee usually reported early, no great inconvenience could arise from awaiting it.

Mr. W. SMITH said, he knew not anything extraordinary pressing in this case, and therefore had no objection to withdraw his motion and wait the report of the committee.

FRIDAY, December 9.

DAVID BARD, from Pennsylvania, JOSIAH PARKER, from Virginia, and NATHAN BRYAN, from North Carolina, appeared and took their seats in the House.

Mr. HINDMAN presented a petition from Samuel Chester, who had been a recruiting sergeant in the Army, and spent twenty years in the service in training recruits, and is now near sixty years of age, and though not wounded, yet his constitution is so debilitated that he is incapable of supporting himself; he therefore prays relief from the House. Referred to the Committee of Claims.

Mr. MACON, from the Committee of Revision and Unfinished Business, reported a number of bills and petitions left undecided on at the last session.

Mr. W. SMITH moved, that the usual number of copies of the report on the said bills, &c., be printed for the use of the members; which was agreed to.

Mr. W. SMITH moved, that the report of the committee on the petition of Henry Hill should be referred to a Committee of the Whole House, and made the order of the day for Monday next; which was agreed to.

Mr. HEATH observed, that as this case was of a very complicated nature, he would move that the usual number of copies of the report of the Committee of Claims on it should be printed for the use of the members; which passed.

ADDRESS TO THE PRESIDENT.

The SPEAKER said, that it had been usual for the House to come to some order on the PRESIDENT'S Address, which was to refer it to a Committee of the Whole on the state of the Union. On which Mr. WILLIAMS moved, that it be committed to a Committee of the Whole on the state of the Union, which was done accordingly.

Mr. BAYLEY moved, that a Committee of Commerce and Manufactures be appointed, when Mr. WILLIAM SMITH, Mr. SEWALL, Mr. COIT, Mr. PARKER, Mr. BLOUNT, and Mr. DENT, were named for that committee.

Mr. BAYLEY then moved, that when this House adjourn, it adjourn till Monday at eleven o'clock. [The reason stated during the last session for the House not meeting to do business on Saturdays was, that the standing committees were nume-

rous, besides many special committees for different purposes, whose business was frequently very important and troublesome, it was therefore necessary that Saturday be allowed for the committees to sit, else business would be much protracted, and become too burdensome on gentlemen in committees.]

MONDAY, December 12.

Several other members, to wit: from New York, EDWARD LIVINGSTON; from Pennsylvania, ANDREW GREGG; from Maryland, GABRIEL CHRISTIE; from Virginia, WILLIAM B. GILES, ANDREW MOORE, and JOHN NICHOLAS; and from South Carolina, ROBERT GOODLOE HARPER, appeared, and took their seats in the House.

Mr. AMES, from the committee appointed for that purpose, reported an answer to the Address delivered by the PRESIDENT to both Houses of Congress, which was read by the Clerk. Mr. AMES then moved, that it be referred to a Committee of the Whole House, and made the order of the day for to-morrow; which was agreed to; and also, that the usual number of copies be printed for the use of the members.

A message was received from the Senate informing the House that the Senate concurred in the resolution for the appointment of Chaplains, and that they have chosen the Rev. Bishop WHITE.

Mr. D. FOSTER, from the Committee of Claims, reported that they had found many memorials which had not been acted on at the last session, on account of the lateness of its continuance, and not through any negligence on the part of the committee. He then moved a resolution in effect as follows:

"*Resolved*, That all claims, referred to the Committee of Claims of the last session, and not by them reported on, be now referred to the Committee of Claims of the present session, pursuant to the rules of this House;" which was agreed to.

NATIONAL UNIVERSITY.

Mr. MADISON presented a memorial from the Commissioners of the Federal City, stating the many advantages that would result from the building of a National University at the said city—being the place appointed for the permanent Seat of Government of the United States; observing, that it had been the subject of much conversation, but no effectual measures had been adopted towards its accomplishment; that a portion of land sufficient for the building, together with fifty shares on the Potomac river, which was becoming very valuable, had been appropriated by the PRESIDENT OF THE UNITED STATES; that there would doubtless be many liberal donations and subscriptions both in this country and in Europe towards its support; it would also introduce youth from other countries, and tend to the general wealth and prosperity of this, by the more general dissemination of useful knowledge. They pray that Congress would take such measures as that they may be able to receive any donations which may be made to the institution.

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Mr. M. moved that it be referred to a select committee, and he conceived that it would be proper for the same committee to take up that part of the PRESIDENT'S Speech which relates to the same subject.

Mr. W. SMITH wished to inquire of the gentleman from Virginia, whether it would not be more orderly for the memorial to lie on the table until that part of the PRESIDENT'S Speech came under discussion in the House? he suggested this idea from the consideration that it would look more respectful to the Chief Magistrate, to let it come from him, as he had recommended it to the attention of the House in his Address.

Mr. MADISON replied, that it would be more consistent with order for the memorial to go through a select committee.

Mr. SMITH said he would not object. The motion passed, and a committee of three members were appointed.

Mr. JACKSON presented a petition for cutting a new road from Virginia and Maryland to the Northwestern Territory, by which the post would be much facilitated, and the adjacent country advantaged; which memorial was referred to the Committee on Post Offices and Post Roads.

Mr. WILLIAMS moved that that part of the report of the Committee of Revisal and Unfinished Business, respecting certain refugees from Nova Scotia and Canada, be referred to a Committee of the Whole House; which was accordingly agreed to, and made the order of the day for Thursday next.

Mr. W. also moved that the House now go into the ballot for a Chaplain. Dr. GREEN and Dr. PRIESTLEY were nominated. Mr. WILLIAMS and Mr. GREENUP were appointed tellers, who, on counting the votes, declared for Dr. ASHBEL GREEN 35, for Dr. JOSEPH PRIESTLEY 27, and for the Rev. Mr. BLAIR 6. Dr. GREEN was declared duly elected.

PROMULGATION OF THE LAWS.

Mr. GRISWOLD moved the order of the day, for the bill to amend the act for the more general promulgation of the laws of the United States; which being agreed to, the House resolved itself into a Committee of the Whole thereon; and, after reading the bill, rose and reported it without amendment. The House then took it up, agreed to it, and ordered it to be engrossed for a third reading to-morrow.

CLAIM OF HENRY HILL.

Mr. COIT moved the order of the day on the report of the Committee of Claims on the petition of Henry Hill. The House formed itself into a Committee of the Whole, and read the report of the Committee thereon; which, on account of the complexity of the case, it will be necessary to give at length:

"That, on the 15th of February, 1783, a contract was made under the authority of the Superintendent of Finance, with John Banks, for supplying the Southern Army; and it was stipulated, among other things, that payment should be made in gold or silver, at Philadel-

phia. Banks's accounts were settled in 1783 or 1784, to the mutual satisfaction of him and the public officers, excepting so much as was contained in a charge of \$9,768 81, including principal and interest, against Banks. This charge was made, and the sum retained, on the ground that \$8,612 24 principal, and \$1,156 57 interest, was in Mr. Charles Pettit's hands, which he claimed on account of a claim he, as quartermaster, had against the United States, and the Treasury officers claimed as moneys deposited for John Banks, on account of the above contract, and that Mr. Pettit held the said sum for Banks. Mr. Pettit claims a balance due him, in the quartermaster's department, and is willing to allow that sum on his claim, or if there is not a balance in his favor, is willing to pay it. Hence it results that the sum of \$9,768 81 is credited to the United States by Mr. Pettit, and has been charged against John Banks, and reserved out of the balance of the sum."

"This account having been once settled, the Treasury officers refuse to resettle it, as it is an established rule at the Treasury not to open accounts for a new settlement which has once undergone a liquidation and settlement by the proper officers.

"The committee suppose, in a case like this, where it is manifest a double charge, in favor of the public, has been made, and that charge, consisting of one item only, about which mistakes cannot possibly occur, that propriety and justice would dictate an allowance of the sum. The petitioner had an assignment of this claim from Mr. Miller, who claimed the right of Mr. Banks.

"The committee are of opinion that it would be improper for them to determine who are the actual and equitable representatives of John Banks, so far as respects this balance, as the right of the claimants may receive a Judicial determination.

"It is sufficient that the balance be placed to the credit of the person to whom it belonged on the 31st day of December 1783, the time the sum was retained out of Banks's payment. They, therefore, submit, for the consideration of the House, the following resolution, viz:

"Resolved, That the accounting officers of the Treasury cause the sum of \$9,768 81, charged to the contract account of John Banks, on the 31st of December, 1783, to be credited to the said John Banks; and that the sum so credited be charged to the account of such other person as, in their opinion, shall be justly chargeable therewith."

Mr. HEATH moved an amendment to the report, that the words in the latter part, after John Banks, &c., be struck out, as he thought it would otherwise be interfering with the Judicial authority and making a disagreement between the latter part of the resolution and the former part.

Mr. D. FOSTER said, it appeared that when Mr. Banks's account was settled, the sum in question was charged to his account, and it appeared that the United States had been credited in Mr. Pettit's account for that sum. He thought there could be no doubt on this, and, therefore, hoped the amendment would be negated. Mr. D. FOSTER, Mr. HEATH, and Mr. COIT, severally spoke on the subject. The motion was then put and negated.

Mr. COIT next moved the following resolution, to be added to the report:

"And that they charge the said John Banks with the several sums paid by the United States, to indemnify

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fy the estate of the late General Greene, for certain engagements entered into by him on account of the said Banks."

Mr. HEATH opposed this amendment, because it interfered with the Judicial power. Besides, as there were claims prior to the engagement between General Greene and Mr. Banks for this money, he thought it would be unjust to seize this money, because it was in their power. He thought the Executive power should not interfere with the Legislative, nor the Legislative with the Executive; and he hoped gentlemen in this House would never become accusers and judges too; such conduct he should judge extremely improper.

Mr. D. FOSTER hoped, also, that the last motion would not pass.

Mr. D. FOSTER at length moved that the Committee rise and report progress. The Committee accordingly rose, and obtained leave to sit again.

TUESDAY, December 13.

Two other members, to wit: THOMAS CLAIRBORNE and JOHN PAGE, from Virginia, appeared and took their seats in the House.

A new member, viz: WILLIAM STRUDWICK, from North Carolina, in place of ABSALOM TATOM resigned, appeared, produced his credentials, was qualified, and took his seat.

The bill providing for the more effectual promulgation of the laws of the United States, was read a third time and passed.

REPORTING THE DEBATES.

Mr. W. SMITH, from the committee appointed to examine into the petitions of Thomas Lloyd and Thomas Carpenter, reported the following resolution:

"That the Clerk of this House cause the members to be furnished, during the present session, with ——— copies of the Debates of Congress, printed in this city, such as the members respectively shall choose, to be delivered at their lodgings; provided that they do not exceed the price at which other subscribers are served therewith."

On motion, it was resolved that it be read a second time and referred to a Committee of the Whole House to-morrow.

ADDRESS TO THE PRESIDENT.

Mr. W. SMITH then moved for the order of the day on the report of the Committee in answer to the PRESIDENT's Address.

Mr. GILES said, that as the printed copy of the answer was but just laid before the House, he hoped the gentleman would not insist on his motion, as he declared he had not had time to read it; he would therefore move that it be deferred till to-morrow.

Mr. PARKER seconded the motion. He said he was not able to judge whether the answer would meet his approbation or not; he wished time to be given for the consideration of it.

Mr. W. SMITH said he knew no instance in which the answer to the PRESIDENT's Address

had been laid over, and he thought it ought to be despatched with all possible speed.

Mr. HEATH said, he hoped his colleague would not insist on his motion for letting it lie over till to-morrow; he thought it could as well be acted on to-day.

Mr. AMES observed, that it would look very awkward to let it lie over till to-morrow, as it was very unusual, if not unprecedented, so to do; he thought gentlemen might make up their minds about it if laid on the table about an hour; they could, in the meantime, despatch other business, which would come before them.

Mr. GILES said, he had experienced extreme inconvenience from gentlemen pressing for a subject before it had been matured in the minds of members; he thought it would be extremely improper and unusual, and in its consequences disagreeable, to go into the subject before gentlemen had time to reflect on it.

Mr. SITGREAVES said, that the more expeditious the House were on the answer to the PRESIDENT's Address the greater the effect of it would be. He hoped, therefore, that there would be no delay. He had in recollection a Message which was received from the PRESIDENT respecting the Colors of the French Republic, at the last session. Those very gentlemen who now wished a delay, then thought that, to let the subject lie over, would lose its principal effect, although several of the members wished it to lie over, and but for one day. Surely we have as much respect for the PRESIDENT as we have for the French Republic. He really hoped the business would not lie over.

Mr. W. LYMAN hoped gentlemen did not look upon this answer to the PRESIDENT's Address as merely complimentary. He declared he took it up in a very different light; he viewed it as of the most extensive consequence; it related to the subjects recommended to the notice of the House by the PRESIDENT, which might relate to the alteration of the laws, and, perhaps, to the forming new laws; and could gentlemen have time to form their minds on such an important part of their business? He had only seen the report this morning, and hoped he should have time to consider it before it passed through the House.

The SPEAKER said, that the subject before the House now was, whether the unfinished business should be postponed in order to make room for a Committee of the Whole to sit on the report of the committee on the answer?

Mr. PARKER observed, that he could not say whether he approved or disapproved of the answer before the House. He had not read the report; he therefore hoped that the unfinished business would be taken up and this postponed: he thought it was too important to be hastened. He wished gentlemen to be very careful how they committed themselves at a juncture so critical, and on business so momentous. We had just been told by the PRESIDENT that we did not stand well with the French nation; and the Senate, in their answer, had accorded with his observations on that subject. [Mr. P. was here informed that the business of the Senate ought not to be intro-

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duced here.] He therefore hoped a day might be allowed to take the subject into consideration.

Mr. WILLIAMS said, he had searched and could find no precedent in the Journal to encourage a delay of this business. He found that when a report was made by the committee on such an occasion, it was usual to be taken up by a Committee of the Whole House; and if gentlemen disagreed on the subject, it should be recommitted to the same committee who formed it, to make such alterations whereby it may meet more general approbation, or be amended by the House and passed. He hoped no new precedent would be made.

The SPEAKER again observed, that the question was on postponing the unfinished business to take up this report.

Mr. W. SMITH said, that if this business was delayed it ought to be for substantial reasons. The principal reason gentlemen had urged was, that they had not had time to acquaint themselves with the answer. How, then, he asked, could they make their observations on it as they had done? The committee had, he thought, draughted it in such general terms that it could not be generally disapproved. There are but two parts in which he thought there would be differences of opinion, viz: that which related to the French Republic, and that which complimented the PRESIDENT for his services. As to the first, he thought it so expressed as to need no delay in the answer. With respect to the latter, he hoped no gentleman would refuse to pay a due regard to the PRESIDENT's services.

The SPEAKER again informed the House what was the question.

Mr. W. SMITH said, we ought not now to reflect on any thing we may judge has not been done as we could wish. Could we refuse a tribute of respect to a man who had served his country so much? He thought a delay at present would have a very unpleasant appearance. He hoped we should go into this business immediately, agreeably to the former practice of the House on similar occasions. The unfinished business was yesterday postponed for want of proper information, and he thought the same reason was yet in force with respect to it. He hoped nothing would impede this business, lest it should appear like a want of respect in us. He hoped to see an unanimous vote in favor of a respectful answer to the Chief Magistrate, whose services we ought zealously to acknowledge.

Mr. GILBERT saw no reason to depart from a practice which had been usual; he therefore hoped the report might come under consideration to-day. He thought if it laid on the table an hour or an hour and a half, gentlemen could then be prepared to consider it.

The SPEAKER again put the House in mind of the question.

Mr. NICHOLAS said, if the business was pressed too precipitately, gentlemen may be sensible of their error when it was too late. Many bad consequences might attend hastening the subject before it was well matured. He could see no rea-

son why the business should be precipitated upon the House—a proper delay would not show any want of respect to the PRESIDENT, as some gentlemen think. Would it be more respectful that an answer should be sent by this House, which, for want of time, had not been sufficiently considered? Certainly not. Far more so will it appear that after mature deliberation the members are unanimous in their answer. I therefore think the object of respect which the gentleman from North Carolina has in view will be completely answered by the delay.

Gentlemen talk about precedent. I am ashamed to hear them. There may be no precedent on the subject. But are we always to act by precedent? There is scarcely a circumstance occurs in this House but what is different from any that was before it. The PRESIDENT's Addresses to this House are always different. They relate to the circumstances of things that are, have been, and may be. Then, to talk of precedents where things cannot be alike, is to trammel men down by rules which would be injurious in the issue.

The Message of the PRESIDENT respecting the French Colors had been referred to. If gentlemen were then wrong, is that a reason why they should continue to act wrong? But this circumstance materially differs from that. That was merely an expression of sentiment, which could at once be determined, but this of sentiment, accompanied with deep and solemn reflection—it is so interwoven with the politics of the country as to require great circumspection. I hope gentlemen will not go into it until they are properly prepared. I wish to pay all possible respect to the Chief Magistrate, and cannot prove it better than by a sincere desire for an unanimous vote to the answer, which is only to be obtained by proper deliberation; and thus let him depart from his office with credit, and the enjoyment of our best wishes in his retirement.

The question for postponing the unfinished business to take up this report was then put and negatived—43 to 31.

The motion was then made for the order of the day on the petition of Henry Hill.

Mr. D. FOSTER hoped the business would be further postponed, as the necessary information on the subject had not been obtained. It was accordingly postponed.

Mr. W. SMITH again moved for the House to take up the answer to the PRESIDENT's Speech.

Mr. MACON said, this was taking two different measures to accomplish the same object. He thought it was not in order, therefore should oppose it.

The SPEAKER said, the motion was perfectly in order. The other motion was, whether the unfinished business was to be delayed to make room for the answer; which unfinished business had now been dispensed with. A motion may now be made to fix this subject to a day certain, which would supersede the other motion.

Mr. NICHOLAS then moved that this business be postponed till to-morrow.

Mr. COIT hoped it would be postponed. This

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committee was appointed last Thursday, but had not made their report till yesterday. He found the answer on the desk this morning, but had not read it; and, though he had such confidence in the gentlemen who drew it up, as that he was now ready to vote for it, yet, as many gentlemen wished to consider it, he thought they ought not to be pressed to vote too hastily. He hoped the motion would be carried.

The motion was put and carried for a postponement.

WEDNESDAY, December 14.

THOMAS HENDERSON, from New Jersey, and THOMAS HARTLEY, from Pennsylvania, appeared and took their seats in the House.

A Letter was received from the Secretary of the Treasury, with proposals for laying on direct taxes; which, with all the papers accompanying the same, were, on motion of Mr. MACON, ordered to be printed.

HENRY HILL.

The SPEAKER informed the House that the report of the Committee of Claims on the petition of Henry Hill, was the order of this day, and, having a priority to other business, should now be taken up.

Mr. D. FOSTER observed, that, on account of not being able to obtain the papers necessary to throw a proper light on the subject, he hoped the consideration of it would be postponed or recommitted. There are several of the members of the committee not sufficiently acquainted with the business; it therefore required time before it could be acted on.

Mr. HEATH hoped that it would be recommitted to the Committee of Claims.

The Committee of the Whole was then discharged, from a further consideration of the case, and the report was recommitted.

REPORTING OF THE DEBATES.

Mr. W. SMITH moved for the order of the day on the petitions of Thomas Lloyd and Thomas Carpenter, whereupon the House resolved itself into a Committee of the Whole, when, having read the report of the committee to whom it was referred,

Mr. MACON wished some gentleman who was in that committee, would be so good as to inform the House what would be the probable expense, and for what reason the House should go into the business. He thought the expense altogether unnecessary, whatever it may be.

If the debates of this House were to be printed, and four or five copies given to each member, they would employ all the mails of the United States. He also adverted to the attempt at the last session to introduce a stenographer into the House, which failed.

Mr. SMITH informed the gentleman that Mr. Lloyd's estimate of the expenses is, that he will supply the House with his reports at the rate of three cents per half sheet. His calculation is

that he can supply the members at the expense of about \$1,600 for the session. With respect to the gentleman's reference to last session, this was materially different from that: that motion was to make the person an officer of this House, and at an expense much greater. He thought this attempt would be of great use to the House. Regular and accurate information of the debates in the House would be a very desirable thing; he therefore hoped the resolution would prove agreeable to the House.

Mr. WILLIAMS said, that the House need not go into unnecessary expense: the members were now furnished, morning and evening, with newspapers which contained the debates; then why should the House wish for more? If one person in particular has the sale of his debates to this House, will it not destroy the advantages any other can derive from it? We ought not to encourage an undertaking of this kind, but let us encourage any gentlemen to come here and take down the debates. Last year they were taken down very accurately and dispersed throughout the Union.

By passing this resolution you will destroy the use of the privilege to any other than the person favored by this House. Why give one a privilege more than another? He observed, it had been common to give gentlemen the privilege to come into the House and take down the debates, which had been, last year, delivered time enough to give satisfaction to the members.

Mr. THATCHER said, he should wish for information from the committee how many persons there were to publish debates, as he understood there were several, and the members were to supply themselves from whom they pleased. He should likewise wish for information, how many each member was to have to amount to the value of \$1,600?

Mr. W. SMITH said, there had been petitions received from only two persons—Thomas Lloyd and Thomas Carpenter. They intended, each of them, to publish the debates. There might be others; he knew not. There was no intention of giving any one a preference—gentlemen could subscribe for that they approved of most. At the calculation of Mr. Lloyd the members would have five copies each for the \$1,600.

Mr. W. LYMAN said, the question was, whether the House would incur the expense of \$1,600 to supply the members with copies or not? He thought there was no need of the expense. If the House do not think proper to furnish the members, they can supply themselves. A publication of them is going on at present, and many gentlemen had subscribed to it already.

Mr. DEARBORN did not think that \$1,600 thus laid out would be expended to the best possible advantage. From the number of persons which we see here daily taking down debates, he thought we might expect to see a good report of the occurrences in the House. There was a book going about for subscriptions, which appeared to be well encouraged; he saw many of the members names in it. He thought that, by a plan like that, the reports may be as accurately taken as

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we may have any reason to expect if the House incurs this expense.

Mr. NICHOLAS observed, that members were now served with three newspapers. He thought to vote for this resolution on account of obtaining a more full and complete report than was to be had in the newspapers; thus it would supersede the necessity of taking so many papers. He thought this plan more useful to the member, and generally of more advantage to their constituents, as they could disperse those debates where otherwise they would not be seen.

Mr. THATCHER said, if the object of the motion was to supersede the receiving of newspapers, he certainly should vote against it. He did not consider the main reason why members were served with the newspapers was, that they may obtain the debates. No. He thought it more important, in their stations, that they should know the occurrences of the day from the various parts of the United States as well as from foreign nations. Though he might favor an undertaking of this kind, yet he would give preference to a newspaper, if they were to have the one without the other.

Mr. HEATH did not wish that the members, being furnished with debates agreeably to the motion, should supersede the receiving of newspapers, yet he should vote for it. Gentlemen had said the debates were taken more correctly last session than before, yet he had heard a whisper which was going from North to South, that our debates are not represented impartially. He wished the House and the people to be furnished with a true report; such a thing would be very useful: however, he did not wish to encourage a monopoly to those two persons. No. He would wish to give an equal chance to all who choose to come and take them. Shall we repress truth? I hope not; but disseminate it as much as possible. Last session, when I was, under the act of God's providence, prevented from attending the House, a member sent for a gentleman from Virginia, who was to act as stenographer, with whom the House and a printer in this city were to combine. Warm debates ensued on the propriety of the measure, and the gentleman returned home after the motion was negatived. I hope gentlemen will not grudge 1,600 dollars towards the support of truth. What we see now in the newspapers is taken from the memory, and not by a stenographer. The people will thank you that you have taken means to investigate truth. If any gentleman can point out a better mode to obtain this object, I hope he will do it that it may be adopted; till then I shall support the resolution.

Mr. SHERBURNE did not think, with the gentleman last up, that the interest of the country was concerned; the only thing they were concerned in was the payment of the money. The printing of this work did not depend on the motion of this House. Whether the House adopt it or not, the book will be published. It is a matter of private interest; a speculation in the adventurer, like other publications. The question, he conceived, meant only this: Should the members be sup-

plied with these pamphlets at the expense of the public, or should they put their hands in their own pockets and pay for them individually? He thought the House had no greater reasons to supply the members with this work than other publications; they might as well be furnished with the works of *Peter Porcupine*, or the *Rights of Man*, at the public expense.

Mr. W. SMITH said, the gentleman was mistaken with respect to the work going on, whether supported by the House or not. It was true as it respected the work proposed by Mr. Carpenter; but, with respect to Mr. Lloyd, he declared he could not undertake it, except the House would subscribe for five copies for each member.

Mr. SWANWICK considered the question to be to this effect: whether the debates be under the sanction of the House or not? A gentleman had said, it will be a great service to the public to have a correct statement of the debates. I think the most likely way to obtain it correctly is to let it rest on the footing of private industry. We have a work, entitled *The Senator*, in circulation. I have no doubt but the publisher will find good account in the undertaking. Why should the House trouble itself to sanction any particular work? Gentlemen would then have enough to do every morning in putting the debates to rights before they were published, as they would be pledged to the accuracy of the reports. I never heard that, in the British House of Commons or Lords, such a motion was ever made, nor have I ever heard of such in any other country; then why should we give our sanction and incur a responsibility for the accuracy of it. He said he should vote against the motion, but would encourage such a work while it rested on the footing of private adventure.

Mr. THATCHER said, he differed much from the gentleman last up, as it respected the responsibility of the House on such a publication. He thought it might as well be said, that because there had been a resolution for the Clerk to furnish the members of this House with three newspapers, the House was responsible for the truth of what those newspapers contained; if it was so, he should erase his name from his supply of them, as he thought, in general, they contained more lies than truth. Two considerations might recommend the resolution. It would encourage the undertaking, and also add to the stock of public information: on either of these, he would give it his assent. Soon after he came into the city, a paper was handed him with proposals for a publication of this kind (*The Senator*.) He, with pleasure, subscribed to its support; as to general information, that was given already by newspapers, and though each member was to be supplied with five copies, yet very few would fall into hands where the newspapers did not reach. The work would go forward at any rate. If he thought the work depended on the motion, he should rejoice to give his vote toward its aid. On the question being put, only nineteen gentlemen voted in favor of the resolution; it was therefore negatived.

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The Committee then rose, and the House took up the resolution.

Mr. THATCHER observed, the question was put while he was inattentive: he wished it to lie over till to-morrow.

Mr. GILES wished to indulge the gentleman in his desire.

Mr. THATCHER then moved for the vote of the House, whether the report of the Committee of the Whole be postponed. Twenty-four members only appearing for the postponement, it was negatived.

The question was then put, whether the House agreed to the report of the Committee of the Whole and disagreed with the report of the select committee; which appeared in the affirmative. The motion was therefore lost.

ADDRESS TO THE PRESIDENT.

The House again resolved itself into a Committee of the Whole on the Answer to the PRESIDENT'S Address; when the Answer reported by the select committee was read by the Clerk, and then in paragraphs by the Chairman, which is as follows:

SIR: The House of Representatives have attended to your communication respecting the state of our country, with all the sensibility that the contemplation of the subject and a sense of duty can inspire.

We are gratified by the information that measures calculated to insure a continuance of the friendship of the Indians, and to maintain the tranquility of the interior frontier, have been adopted; and we indulge the hope that these, by impressing the Indian tribes with more correct conceptions of the justice, as well as power of the United States, will be attended with success.

While we notice, with satisfaction, the steps that you have taken in pursuance of the late Treaties with several foreign nations, the liberation of our citizens who were prisoners at Algiers is a subject of peculiar felicitation. We shall cheerfully co-operate in any further measures that shall appear, on consideration, to be requisite.

We have ever concurred with you in the most sincere and uniform disposition to preserve our neutral relations inviolate; and it is, of course, with anxiety and deep regret we hear that any interruption of our harmony with the French Republic has occurred; for we feel with you and with our constituents the cordial and unabated wish to maintain a perfectly friendly understanding with that nation. Your endeavors to fulfil that wish, *[and by all honorable means to preserve peace, and to restore that harmony and affection which have heretofore so happily subsisted between the French Republic and the United States,]* cannot fail, therefore, to interest our attention. And while we participate in the full reliance you have expressed on the patriotism, self-respect, and fortitude of our countrymen, we cherish the pleasing hope that a mutual spirit of justice and moderation on the part of the Republic will insure the success of your perseverance.

The various subjects of your communication will, respectively, meet with the attention that is due to their importance.

When we advert to the internal situation of the United States, we deem it equally natural and becoming to compare the tranquil prosperity of the citizens with the period immediately antecedent to the operation of the Government, and to contrast it with the calamities in which the state of war still involves several of the

European nations, as the reflections deduced from both tend to justify, as well as to excite, a warmer admiration of our free Constitution, and to exalt our minds to a more fervent and grateful sense of piety towards Almighty God for the beneficence of His providence, by which its administration has been hitherto so remarkably distinguished.

And while we entertain a grateful conviction that your wise, firm, and patriotic Administration has been signally conducive to the success of the present form of Government, we cannot forbear to express the deep sensations of regret with which we contemplate your intended retirement from office.

As no other suitable occasion may occur, we cannot suffer the present to pass without attempting to disclose some of the emotions which it cannot fail to awaken.

The gratitude and admiration of your countrymen are still drawn to the recollection of those resplendent virtues and talents which were so eminently instrumental to the achievement of the Revolution, and of which that glorious event will ever be the memorial. Your obedience to the voice of duty and your country, when you quitted reluctantly a second time the retreat you had chosen, and first accepted the Presidency, afforded a new proof of the devotedness of your zeal in its service, and an earnest of the patriotism and success which have characterized your Administration. As the grateful confidence of the citizens in the virtues of their Chief Magistrate has essentially contributed to that success, we persuade ourselves that the millions whom we represent participate with us in the anxious solicitude of the present occasion.

Yet we cannot be unmindful that your moderation and magnanimity, twice displayed by retiring from your exalted stations, afford examples no less rare and instructive to mankind than valuable to a Republic.

Although we are sensible that this event, of itself, completes the lustre of a character already conspicuously unrivalled by the coincidence of virtue, talents, success, and public estimation, yet we conceive that we owe it to you, sir, and still more emphatically to ourselves and to our nation (of the language of whose hearts we presume to think ourselves at this moment the faithful interpreters) to express the sentiments with which it is contemplated.

The spectacle of a whole nation, the freest and most enlightened in the world, offering by its Representatives the tribute of unfeigned approbation to its first citizen, however novel and interesting it may be, derives all its lustre—a lustre which accident or enthusiasm could not bestow, and which adulation would tarnish—from the transcendent merit of which it is the voluntary testimony.

May you long enjoy that liberty which is so dear to you, and to which your name will ever be so dear. May your own virtues and a nation's prayers obtain the happiest sunshine for the decline of your days and the choicest of future blessings. For your country's sake—for the sake of Republican liberty—it is our earnest wish that your example may be the guide of your successors; and thus, after being the ornament and safeguard of the present age, become the patrimony of our descendants.

Mr. VENABLE observed, on a paragraph wherein it speaks of the "tranquility of the interior frontier," he did not know what was the meaning of the expression: he moved to insert "Western frontier" in its stead.

Mr. AMES observed that the words of the report

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are in the PRESIDENT'S Speech; however, he thought the amendment a good one. It then passed.

In the fourth paragraph are these words: "Your endeavors to fulfil that wish cannot fail, therefore, to interest our attention." At the word "wish," Mr. GILES proposed to insert these words: "and by all honorable means to preserve peace, and restore that harmony and affection which have heretofore so happily subsisted between the French Republic and this country;" and strike out the words that follow "wish" in that paragraph. He said, his reasons for moving this amendment were to avoid its consequences. He really wished the report entirely recommitted, as there were many objectionable parts in it. He had been very seriously impressed with the consequences that would result from a war with the French Republic. When I reflect, said Mr. G., on the calamities of war in general, I shudder at the thought; but, to conceive of the danger of a French war in particular, it cuts me still closer. When I think what many gentlemen in mercantile situations now feel, and the dreadful stop put to commerce, I feel the most sincere desire to cultivate harmony and good understanding. I see redoubled motives to show the world that we are in favor of a preservation of peace and harmony.

Mr. W. SMITH said, he should not object to the amendment; but he thought it only an amplification of a sentiment just before expressed. He did not see any advantage in the sentiment as dilated, nor could he see any injury which could accrue from it. He hoped every gentleman in the House wished as sincerely for the preservation of peace as that gentleman did.

Mr. AMES wished to know of the gentleman from Virginia, whether he meant to strike out the latter part of this paragraph; if he did, he would object to it.

Mr. GILES said, he did not mean to strike out any more of this paragraph.

Mr. AMES wished it not to be struck out. By the amendment to strike out, we show the dependence we place on the power and protection of the French. While we declare ourselves weak by the act, we lose the recourse to our own patriotism, and fly, acknowledging an offence never committed, to the French for peace. He hoped the gentleman would be candid upon this occasion.

Mr. GILES said, he only wished this House to express their most sincere and unequivocal desire in favor of peace, and not merely to leave it to the PRESIDENT. He said, he had spoken upon this occasion as he always had done on this floor. He always had, and he hoped always should, state his opinions upon every subject with plainness and candor.

The amendment passed unanimously.

Mr. GILES then proposed an amendment to the latter part of the same paragraph, which would make it read thus: "We cherish the pleasing hope that a spirit of mutual justice and moderation will insure the success of your perseverance." The amendment was to insert the word "mutual." He thought we ought to display a spirit of justice and moderation as well as the French. This amendment, he thought, would soften the expression,

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and, acting with that spirit of justice and moderation, accomplish a reconciliation. The amendment was adopted.

On the Chairman's reading the last paragraph except one in the report, which reads thus: "The spectacle of a whole nation, the *freest and most enlightened in the world*," Mr. PARKER moved to strike out the words in italic. Although, said he, I wish to believe that we are the freest people, and the most enlightened people in the world, it is enough that we think ourselves so; it is not becoming in us to make the declaration to the world; and if we are not so, it is still worse for us to suppose ourselves what we are not.

Mr. HARPER said, he had a motion of amendment in his hand which would supersede the necessity of the last made, which, if in order, he would propose: it was to insert words more simple. He thought the more simple, the more agreeable to the public ear. His amendment, he thought, would add to the elegance and conciseness of the expression. He did not disapprove of the Address as it now stood, but he thought it might be amended. This, he said, would add to the dignity, as well as to the simplicity of the expression. He thought it would be improper to give too much scope to feeling: amplitude of expression frequently weakens an idea.

Mr. GILES said he saw many objectionable parts in the amendments proposed by the gentleman just sat down. He wished to strike out two paragraphs more than Mr. HARPER had proposed; indeed, he wished the whole to be recommitted, that it might be formed more congenial to the wishes of the House in general, and not less agreeable to the person to be addressed.

Mr. SMITH observed, that, as the Answer had been read by paragraphs nearly to the close, he thought it very much out of order to return to parts so distant.

The Chairman said that no paragraph on which an amendment had been made could be returned to; but where no amendment had been made, it was quite consistent with order to propose any one gentleman may think proper.

Mr. HARPER thought the maxim recommended in private life might be very applicable to us at this time, which is, Never to leave till to-morrow what can be as well done to-day. He was quite opposed to a recommitment, and his reason was, that the House at this time is quite competent to adopt all the necessary amendments. In cases of law, when evidences are to be collected in order to prove facts, it may sometimes be proper to delay; but here is no such thing. The Committee of the Whole can as well amend it as a select committee. Surely it may be made more complete by a large number than by a small. We have every means of information, and full power to do it now, and a delay is quite unnecessary. There are no points now unknown to the House; we are in possession of a complete knowledge of the whole, and can now form our minds on it; it is simple matter, on which we can soon decide. He hoped we should speedily conclude, on a subject

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of this nature, an Answer to the PRESIDENT, which can as well be done now as a month hence.

Mr. W. SMITH opposed striking out any paragraph. It was, he said, the last occasion we should have to address that great man, who had done so much service to his country. The warmth of expression in the Answer was only an evidence of the gratitude of this House for his character. When we reflect on the glowing language used at the time when he accepted of the office of PRESIDENT, and at his re-election to that office, why, asked he, ought not the language of this House to be as full of respect and gratitude now as then? particularly when we consider the addresses now flowing in from all parts of the country. I object to the manner of gentlemen's amendments as proposed, to strike out all in a mass. If the sentiments were agreeable to the minds of the House, why waste our time to alter mere expressions while the sentiment is preserved? No doubt every gentleman's manner of expression differed, while their general ideas might be the same. He hoped mere form of expression would not cause its recommitment.

Mr. GILES did not object to a respectful and complimentary Address being sent to the PRESIDENT, yet he thought we ought not to carry our expressions out of the bounds of moderation; he hoped we should adhere to truth. He objected to some of the expressions in those paragraphs, for which reason he moved to have the paragraphs struck out, in order to be amended by the committee. He wished to act as respectful to the PRESIDENT as any gentleman, but he observed many parts of the Address which were objectionable. It is unnatural and unbecoming in us to exult in our superior happiness, light, or wisdom. It is not at all necessary that we should exult in our advantages, and thus reflect on the unhappy situation of nations in their troubles; it is insulting to them. If we are thus happy it is well for us; it is necessary that we should enjoy our happiness, but not boast of it to all the world, and insult their unhappy situations.

As to those parts of the Address which speak of the wisdom and firmness of the PRESIDENT, he must object to them. On reflection, he could see a want of wisdom and firmness in the Administration for the last six years. I may be singular in my ideas, said he, but I believe our Administration has been neither wise nor firm. I believe, sir, a want of wisdom and firmness has brought this country into the present alarming situation. If after such a view of the Administration, I was to come into this House and show the contrary by a quiet acquiescence, gentlemen would think me a very inconsistent character. If we take a view of our foreign relations, we shall see no reason to exult in the wisdom or firmness of our Administration. He thought nothing so much as a want of that wisdom and firmness had brought us to the critical situation in which we now stand.

If it had been the will of gentlemen to have been satisfied with placing the PRESIDENT in the highest possible point of respect amongst men,

the vote of the House would have been unanimous, but the proposal of such adulation could never expect success. If we take a view into our internal situation, and behold the ruined state of public and private credit, less now than perhaps at any former period however, he never could recollect it so deranged. If we survey this city, what a shameful scene it alone exhibits, owing, as he supposed, to the immense quantity of paper issued. Surely this could afford no ground for admiration of the Administration that caused it.

I must acknowledge, said Mr. GILES, that I am one of those who do not think so much of the PRESIDENT as some others do. When the PRESIDENT retires from his present station, I wish him to enjoy all possible happiness. I wish him to retire, and that this was the moment of his retirement. He thought the Government of the United States could go on very well without him; and he thought he would enjoy more happiness in his retirement than he possibly could in his present situation. What calamities would attend the United States, and how short the duration of its Independence, if one man alone can be found to fill that capacity! He thought there were thousands of citizens in the United States able to fill that high office, and he doubted not that many may be found whose talents would enable them to fill it with credit and advantage. Although much had been said, and that by many people, about his intended retirement, yet he must acknowledge he felt no uncomfortable sensations about it; he must express his own feelings. He was perfectly easy in prospect of the event. He wished the PRESIDENT as much happiness as any man. He declared he did not regret his retreat; he wished him quietly at his seat at Mount Vernon; he thought he would enjoy more happiness there than in public life. It will be very extraordinary if gentlemen, whose names in the yeas and nays are found in opposition to certain prominent measures of the Administration, should come forward and approve those measures: this we could not expect. He retained an opinion he had always seen reason to support, and no influence under Heaven should prevent him expressing his established sentiments; and he thought the same opinions would soon meet general concurrence. He hoped gentlemen would compliment the PRESIDENT privately, as individuals; at the same time, he hoped such adulation would never pervade that House.

I must make some observation, said Mr. G., on the last paragraph but one, where we call ourselves "the freest and most enlightened nation in the world;" indeed, the whole of that paragraph is objectionable; I disapprove the whole of it. If I am free, if I am happy, if I am enlightened more than others, I wish not to proclaim it on the house top; if we are free, it is not prudent to declare it; if enlightened, it is not our duty in this House to trumpet it to the world: it is no Legislative concern. If gentlemen will examine the paragraph, (referring to that contained in the parenthesis,) it seems to prove that the gentleman who drew it up was going into the field of adulation; which would tarnish a private character. I do think this

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kind of affection the PRESIDENT gains nothing from. The many long Addresses we hear of, add nothing to the lustre of his character. In the honor we may attempt to give to others we may hurt ourselves. This may prove a self-destroyer; by relying too much on administration, we may rely too little on our own strength.

Another expression I would notice is in the last paragraph, wherein it says, "that your example may be the guide of your successors." I think it time enough to speak of the successor of the PRESIDENT when he arrives; whoever he may be, there is no doubt but he will do his duty to the best of his ability.

These sentiments seemed to be so mixed, that I could not separate them. I submit them to the Committee, and declare my desire that the whole of the report may be recommitted.

Mr. HARPER thought it would be strictly in order to move a division of the question on this motion. The paragraph which he had the honor of moving to this House, instead of the seventh paragraph, was wholly personal to the PRESIDENT; the other, immediately preceding this, which the gentleman last up included, related wholly to the country; it contained objects of great importance, and as the two so materially differ from each other, many gentlemen might wish to retain one, and strike the other out. The first question would naturally be on the first of the two. "When we advert," &c. He hoped this paragraph would not be struck out; this related altogether to the situation, to the happiness of the country, and its prosperity, and relates to the influence our happy Constitution has had towards producing and preserving that state of enjoyment. Could this be denied? Is there any man here, he would ask, who can deny that we are in a prosperous state, and that it is heightened by our present Constitution? I must assert that our prosperity is produced through the instrumentality of the wise system adopted. There may be degrees of prosperity, and different opinions on the subject. Some might think that the trifling derangements which have of late taken place in the commercial world are evidences of our want of prosperity. I think not. Some think such things are no proofs of a country's decline. Though the gentleman from Virginia has attributed the late failures in this city to the too great emission of paper money by Government, he must beg leave to differ from him; he thought it no proof of the want of prosperity. Will any man pretend to say that we are not free? That we are not happy? That our trade is less flourishing than formerly? That our agriculture was not increasing, or that our laws were less obeyed than usual? No; he thought none could deny this. And will any, can any say, that our present form of Government has not had an influence in producing this flourishing state of our affairs? Will any say, that had not such a form of Government been established, or a similar one, we should have been so free, so happy? He thought not. When we take a view of our situation before the existence of the present form of Government with respect to agriculture, trade, and commerce, and brought the com-

parison up to the present time, then he was persuaded gentlemen would acknowledge that we enjoyed a state of prosperity, and if we enjoyed it, wherein was the harm to declare it? We are in a very great degree prosperous, and that is in a very great degree owing to the present established Government.

The measures which this gentleman would wish to adopt might produce a system more happy: however, he did not think it would. That already adopted has been productive of great national happiness. We feel freedom exists; whence do we suppose it proceeds, but from the measures of Government? If this be the case, gentlemen must allow that in the words of the paragraph proposed to be struck out, there is not that impropriety imagined. If they concur with me in all those sentiments, (and which of them will say he does not concur in them,) where is the propriety to refuse the clause in the Address? I hope, said Mr. H., they will say with me, that the clause should stand, as containing an acknowledgment of our superior situation to the Government where it is due. He hoped the question would be divided.

Mr. NICHOLAS said it could not be divided. The gentleman last up must be mistaken to suppose so. The member may vote against the proposition of Mr. GILES, but either all must go, or none, according to the motion.

Some conversation here ensued between Mr. W. SMITH, Mr. GILES, and the Chairman, about a point of order in striking it out.

Mr. GILES then said, gentlemen might refuse to strike out the whole, and then move to strike out a part; and so attain their object. But, said he, admitting the paragraph to be founded on truth, were they, as legislators, to speak it in the face of the world? It is a matter of doubt; but suppose it true, what have we to do with it here? Suppose an individual were to go into his neighbor's house, and say to him, I am very rich, and you are poor; I am very happy, and you are miserable, would not his neighbor think it meant to insult him? Would it not degrade the poor man's misery? This conduct would surely be indelicate; and if indelicate and inconsistent in an individual, let us take every means to avoid this conduct as a nation.

Mr. SITGREAVES said, that whatever division of the question gentlemen would propose, was indifferent to him; the words of the answer were perfectly congenial with his wishes, and he was prepared to give his opposition to any of the amendments proposed. On mature deliberation, there was not a sentiment in the report but he highly approved. He could not see any thing unnatural or unbecoming in drawing just comparisons of our situation with that of our neighbors; this is the only way we can form a just view of our own happiness. It is a very necessary way to come to a right knowledge of our own situation by comparing it with that of other nations. He would not reproach another people because they are not so happy as we are; but he thought drawing simple comparisons in the way of the report was no reproach. He was not against bringing the com-

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parison down to private life, as the gentleman from Virginia had done; he should think it wrong in a man to exult over his neighbor who was distressed or ignorant, because himself was wealthy or wise. Yet he saw no impropriety in his own family of speaking of their happiness and advantages, compared with that of others; it would awaken in them a grateful sense of their superior enjoyments, while it pointed out the faults and follies of others, only in order that those he had the care of may learn to avoid them: thus while our happiness is pointed out, the miseries of nations involved in distress are delineated to serve as beacons for the United States to steer clear of. He did not, with the gentleman from Virginia, in any degree, doubt of the wisdom or firmness of the Administration of America. In the language of the Address, he entertained a very high opinion of it, "a grateful conviction that the wise, firm, and patriotic Administration of the PRESIDENT had been signally conducive to the success of the present form of Government." Such language as this is the only reward which can be given by a grateful people for labors so eminently useful as those of the PRESIDENT had been. This was not his sentiment merely, it was the sentiment of the people of America. Every public body were conveying their sentiments of gratitude throughout the whole extent of the Union. Why then should this House affect a singularity, when our silence on these points would only convey reproach instead of respect. If these sentiments were true, why not express them? But if, on the contrary, what the gentleman asserted, that the Administration of the PRESIDENT had been neither wise, firm, nor patriotic, then he would concur with the motion for striking out; but he was not convinced of the truth of this assertion; and while this is not proved, he should vote against the motion.

It has been said, sir, that the disagreeable circumstances which have lately occurred between this country and France is owing to a want of judgment in our Administration; his opinion, he said, was directly the contrary. He had occasion on a recent circumstance, at the last session, to express his opinion, it was the opinion of the House, and he thought it had not changed since that time. He saw no reason why the state of private credit should influence the deliberations of that House. He thought it not at all imputable to the Administration, nor should it be mentioned to tarnish the lustre of our state of prosperity; it is no more than a speck in the sun. It should not be mentioned to prevent our expressions of the obligations which we owe to the PRESIDENT for his services. As well might the late dreadful fires at Savannah and New York be imputable to a want of wisdom in the Administration. Why are we not told of them as well as the derangements among a few merchants? Such trivial matters were not to be spoken of in a national view. If that gentleman [Mr. GILES] does not regret the PRESIDENT's retreat from office, I do; and I believe America does: and this regret is not improper nor undignified.

That gentleman has said there are many others in America capable of filling the office. It may be so; there doubtless are; I do not wish to draw a comparison between the PRESIDENT and others. But does it follow thence that we should not regret losing a faithful public servant? We should regret him on account of his attachment to our Constitution—on account of the tried confidence universally placed in him. Confidence in the officers of Government under every form is necessary, and most particularly so in a Republican form: it is the vital principle whereby it is kept in existence—the chief source of its energy. We could not expect that so great a portion of public confidence would be laid on his successor, although he may be a man of equal integrity.

Mr. SITGREAVES said, he could not agree with the motion of the gentleman from South Carolina, [Mr. HARPER,] because his motion was for substituting other words in the place of those in the report, without any reason whatever. If the gentleman, by altering the phraseology, can make the sentiment any better, by all means let it be done: but if the sentiment is not to be changed, why alter it merely to substitute other words? On the whole, Mr. S. observed, that he did not see the answer could in any degree be reproached. There are no sentiments in it but what are justifiable on the ground of truth: they are free from adulation. It is such an expression of national regret and gratitude as the circumstance calls for; a regret at the retirement of a faithful and patriotic Chief Magistrate from office. A regret and gratitude which he believed to be the sentiment of Americans.

Mr. SWANWICK began by observing that there were points in the Address in which all gentlemen seemed to agree, while on other parts they cannot agree. We all agree in our desire to pay the PRESIDENT every possible mark of respect; but we very materially disagree wherein a comparison is drawn between this and foreign nations. If we are happy and other nations are not so, it is but well for us; but he thought it would be much more prudent in us to let other nations discover it, and not make a boast of it ourselves. It is very likely that those nations whom we commiserate may think themselves as happy as we are: they may feel offended to hear of our comparisons. If we refer to the British Chancellor of the Exchequer in his speeches, he would tell us that is the happiest and most prosperous nation upon earth. How then can we commiserate with it as an unfortunate country? If, again, we look to France, that country which we have pointed out as full of wretchedness and distress, yet we hear them boast of their superiority of light and freedom, and we have reason to believe not without foundation. A gentleman had talked about the flourishing state of our agriculture, and asserted that our late commercial calamities were not proofs of our want of prosperity, which the gentleman compared to specks in the sun. That gentleman speaks as though he lived at a distance. Has he heard of no commercial distresses, when violations so unprecedented have of late occurred?

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One merchant has to look for his property at Halifax, another at Bermuda, another at Cape Francois, another at Gonaives, &c., all agree that they have suffered, and that by the war. These are distresses gentlemen would not like to feel themselves. Mr. S. said he had felt for these occurrences. We are not exempt from troubles; probably we may have suffered as much as other nations who are involved in the war. It is a question whether France has been distressed at all by the war. She has collected gold and silver in immense quantities by her conquests, together with the most valuable stores of the productions of the arts; as statues, paintings, and manuscripts of inestimable worth; and at sea has taken far more in value than she has lost: besides, her armies are subsisting on the requisitions her victories obtain. And has England gained nothing by the war? If we hearken to Mr. Pitt, we may believe they are very great gainers. Surely the islands in the West and East Indies, Ceylon, and the Cape of Good Hope, the key to the East Indies, are advantages gained; besides the quantity of shipping taken from our merchants. Mr. S. thought if we were to compare, we should find those nations had gained by the war, while we had lost; and of course there was no reason for us to boast of our advantages.

When we send a ship to sea we cannot possibly know at what port she will arrive; so uncertain is our trade; in consequence of which the rates of insurance are doubled. Our funds are rather on the decline. Agriculture, it is true, is in a prosperous state. However, he thought the present, of all others, was not the time to draw comparisons. What is the probable effect of this kind of conduct? If we are happy, and make a boast of it, it will be sure to beget envy. Nobody is envious of the fortune of the poor, while every one envies the rich. Shall we invite new depreciations upon our commerce by such representations of our prosperity? It is a kind of indirect hostility to vaunt of our happiness, comparing it to nations in adversity: such language ill-becomes this Address. There is great indication of hostility; let us not add to the danger. We might express pleasure at our own situation of affairs without depreciating the prosperity of other nations. The gentleman from Virginia has said, we are the freest and most enlightened nation in the world. Surely this will only have an effect to create rivals and enemies: it will do us no good. I sincerely wish it to be recommitted, that it might be made more agreeable to the will of the House. He said he was sensible that all the House wished to express might be put in the Address, without drawing a comparison between this country and foreign nations: we had enough to do with them already, without taking more. Happy for us, said Mr. S., if we can keep up peace with them. We are every day suffering in our commerce, and in the impressing of our seamen. [He here referred particularly to the cruel treatment of Captain Jessup, who suffered most severely from the discipline of an English man-of-war, although Captain of an American vessel.]

If we have suffered those calamities, it is through a want of power to repress it. The unprotected state of our seamen and shipping, he said, demanded attention. The providing a Navy to support our rights was recommended by the PRESIDENT in his Speech. Many parts of that Address indicated the state of our affairs were not in that prosperous situation which had been represented. Let us then, said Mr. S., improve our own situation as much as possible, but avoid reflecting on other nations.

Mr. W. SMITH next rose, and observed that gentlemen wished to compliment the PRESIDENT, but took away every point on which encomium could be grounded. One denies the prosperity of the country, another the free and enlightened state of the country, and another refuses the PRESIDENT the epithet of wise and patriotic.

Mr. GILES here rose to explain; if he was meant, he must think the gentleman was wrong in his application. He said he had never harbored a suspicion of the good intentions of the PRESIDENT, nor did he deny his patriotism; but the wisdom and firmness of his Administration he had doubted. He thought him a good meaning man, but often misled.

Mr. SMITH again rose, and said, he must confess himself at a loss for that refinement to discover between the wisdom and patriotism of the PRESIDENT, and that of his Administration. It was moved to strike out this acknowledgment of wisdom and firmness. What were we to substitute as complimentary to him in its place? The first paragraph proposed to be struck out related to our speaking of the tranquility of this country, compared to nations involved in war. Could this give offence, because we feel pleasure in being at peace? It was only congratulating our own constituents on the happiness we enjoy. To appreciate the value of peace it was necessary to compare it with a state of war. It was the wisdom of this country to keep from war, and other nations hold it up as exemplary in us. The gentleman himself has declared his wish for the preservation of peace; and though he admires it, and nations admire it in us, yet we are not to compare our state with nations involved in the calamities of war, in order to estimate our enjoyments. The words of this Address are not a communication to a foreign Minister; it is a congratulation to our own Chief Magistrate of the blessings he, in common with us, enjoys. Mr. S. hoped the words would not be struck out.

The gentleman has said that the PRESIDENT had not been either wise or firm, as it respected our foreign relations. Will the gentleman point out one of the acts wherein the PRESIDENT has failed in this respect; let him put his finger on one place and say, here is an instance where he has failed in wisdom, in firmness.

With respect to what the gentleman refers to, when he says the want of wisdom and firmness in the PRESIDENT has brought us into this situation with France, Mr. S. would observe, that the note of the French Minister does not relate to the Executive, but to the Legislative part of our

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Government; there is no act of the PRESIDENT on the subject of a complaint of the French Minister, but what has been also the action of the Congress. How, then, can gentlemen cast the whole blame on him when every act was sanctioned by Congress? If there was any blame, it fell on the Congress. Mr. S. made mention of the act respecting prizes, which act he said passed with very little opposition in this House. Another was the Proclamation of Neutrality, of which we had at that time a general approbation from North to South by the addresses sent. This is what Mr. Adet called "the insidious act." It was as much the act of Congress as of the PRESIDENT. He hoped the influence of foreign Ministers would never separate the PRESIDENT from the other branches of Government, or the Government from the people.

If we are to please some gentlemen, we must not say we are in prosperity; we must not draw a comparison with other nations. The gentleman from Pennsylvania [Mr. SWANWICK] says, France and England say they are happy and prosperous. If those nations say they are prosperous, they surely cannot be offended at our calling ourselves so, as that gentleman supposes; at most they will only laugh at our folly for our comparison.

He said, he was very much surprised, and at a loss to know how the gentleman had changed his opinion so much since the last session; when the British Treaty was before them, he spoke much on the happiness of this country; he mentioned the great increase of commerce and manufactures which had taken place; he said they had outgrown themselves as a boy outgrows his clothes; but that gentleman will not now allow the prosperity of the country to be mentioned. With respect to that part of the Address which mentions our being a free and enlightened people, that had been objected to. He wished to inquire of gentlemen, what nation was so free or enlightened as ours; he wished them to specify one.

In my review of all that I have read, said he, I know of none that enjoy so much civil and religious freedom as America, or is so enlightened, especially in the affairs of Government. Is there any nation on the earth, all things considered, that any gentleman would be willing to exchange for this? He presumed not.

The gentleman from Virginia [Mr. GILES] says he shall not regret the PRESIDENT's retirement from public life; observing that there are many who would fill his place with equal merit. But he would ask, where is the man who enjoys so great a portion of public confidence? Where is the man who could pilot this vessel of State through, amidst the storms and quicksands which this ship has experienced, without a wreck? We may here take a view of the insidious attempts of a foreign Minister (Genet) to involve this country in a war; and of the Western insurrection. Was it not to be regretted that such an useful man should retire from his public station? It has been said there is too much adulation in the report. Truth, sir, cannot be adulation. Let any

one point to a place in the Address, and say there is no truth in this? No, sir, it is not adulation; it is justice; it is gratitude; it is only a recital of facts. We never can enough express our grateful obligations to a man who has done so much for us. Let us advert to the time of the PRESIDENT's coming into office, and to his re-election; study the Address that was then presented to him. Had he deserved a forfeiture of the respect then shown to him? Were we to strike out the words in the motion, it would be said that we were not only withholding our praise, but it must be construed into a reproach. If we were to strike out these expressions of gratitude, and some cold, dry compliments be substituted in their place, it would with good reason be judged by some, that he truly did want wisdom; that he had not been conducive to the prosperity of this country, and that he had destroyed public and private credit, and caused other mischiefs which were represented to exist.

When this great man was going to retire forever from public to private life, it would be expected that in the answer we send to his Address, we should express the strongest sentiments of love and gratitude to him for his eminent services to his country. Every State Legislature which has met since he signified his intention to retire, have sent their expressions of approbation and gratitude to him. Why should we alone be silent? Why send him into the shades of retirement with daggers in his heart? Such a mutilated answer as the one proposed, would disgrace him in his retirement.

Gentlemen are opposed to the wish that he might be a guide to his successors; but said Mr. S., I pray God, whoever he may be, he may follow the example, and tread in the steps of the man whose Administration I admire. I think there is nothing in the Address but what is consistent with a due respect to his character, and taking the whole no way liable to the objections made. He, therefore, hoped no alteration whatever would be made.

Mr. DAYTON (the Speaker) said, that he did not rise to accept the challenge given by the gentleman who spoke last from South Carolina, and to point out a nation more free and enlightened than ours; nor did he mean to contest the fact of ours being the freest and most enlightened in the world as declared in the reported Address, but he was nevertheless of opinion that it did not become them to make that declaration, and thus to extol themselves by a comparison with, and at the expense of all others. Although those words were in his view objectionable, he was far from assenting to the motion for striking out the seven or eight last clauses of the Address. The question of order having been decided, Mr. D. said he would remind the Committee, that, if they wished to retain, or even to amend any section or sentence of all that was proposed to be struck out, they ought to give their negative to this motion, as the only means of accomplishing their purpose. It was sufficient, therefore, for those who were opposed to the question for striking out the whole,

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to show that any part included within it ought to be preserved. Not unnecessarily to waste time by lengthening the debate he would take the clause first in order, and confine his remarks to that alone. This part of the Address had certainly not been read or had been misunderstood and misrepresented by the member for Pennsylvania.

Did it draw a comparison, as had been suggested by that gentleman, between the relatively happy state of the country in the present, and the year immediately preceding? Did it go further than to say, that the situation of the United States was more prosperous at this period than at that which immediately preceded the operation of the present Government? Certainly it did not; and were proofs necessary to substantiate this fact, or arguments wanted to enforce it? The state of this country under this Government was that of order and union; their situation at the period alluded to was a melancholy scene of disunion and dissolution. This happy change was ascribed and justly ascribed, in the report, to our free and excellent form of Government, and the interposition of an overruling Providence in our national affairs, neither of which he trusted a majority of that House would be prepared to deny or dispute. He could not discern the least possibility of giving offence to other nations in contrasting the blessings derived to this country from a state of peace with the calamity in which a state of war involves those who are so unhappy as to be engaged in it. The expressions were such as could not be construed either to impeach, or indeed to have any allusion to, the forms of Government under which they lived. If those forms were such as best suited the disposition and circumstances of those who had adopted them, and were best calculated to render them happy, surely it must be admitted that war was not less a calamity even to those the most favorably circumstanced in that respect, and it could not therefore be considered a reflection upon them to call it so, nor to deprecate such a state of things, or to contrast it with that of peace, which this country was so happy as to enjoy. He had hoped that the mover, upon reviewing this clause, would have excluded it from his motion; but, as he did not think proper to do so, Mr. D. could say, with great confidence, that a majority of the House could not be found to rise for striking out a proposition which embraced the acknowledgment of a state of good Government as preferable to disunion and anarchy; and a state of war as preferable to that of peace, and contained expressions of gratitude to Providence for an overruling care, signally manifested in our affairs.

Mr. AMES said, if gentlemen meant to agree to strike out the whole as proposed, in order to adopt those words substituted by the gentleman from South Carolina [Mr. HARPER,] he must observe, that he thought this would be as far from giving satisfaction to others, who it appeared wanted no substitute. He, therefore, hoped that kind of influence would not prevail on this occasion. The gentleman who made the motion did it to accom-

modate matters, and not because he himself objected to the answer reported.

It is well known that a committee of five members, opposite in sentiment, was appointed to prepare a respectful Address in answer to the PRESIDENT'S Speech. [Here the original instructions were read.] As it was the duty of the committee to prepare a respectful Address, it cannot be matter of surprise, although it may of disapprobation with some, that the committee did their duty, and have taken notice of the several matters recommended to the House in that Speech. Respecting the particular notice they have taken, it might have been thought that some difficulty would occur. He said he need not observe that the committee had reason to imagine that the form of the report would be agreeable to the House, as they were unanimous; although there had been in the wording some little difference of opinion, yet all agreed substantially in the Address, from a conviction of the delicacy of the subject. For that reason, if that only, unless the sentiments in the report of the Address should be found inconsistent with truth, he hoped no substitute of a form of words merely would prevail, as it would no longer be that agreed to in the committee, nor could come under their consideration equal to the printed report. He therefore trusted that when the committee came to the question, whether to strike out or not, gentlemen would be guided by no other motive to vote for striking out, than an impropriety in the sentiments through an evident want of truth in them; and if such cannot be discovered, why strike out the expressions?

He said he had no disposition to go into the discussion, nor indeed was he prepared so to do, for, from the unanimity of sentiment which prevailed in the committee, he did not expect it would meet such opposition. When he heard gentlemen come here and doubt the truth of the sentiment contained in the first paragraph in question, he chose to make application to facts; to facts which appeared obvious. If there was one voice in America on any subject, it is a declaration of confidence in our Constitution; it was a well-founded sentiment that the happiness of our present state, and the peace we enjoyed, was owing in a great measure to the wisdom and patriotism of the PRESIDENT. These were facts which could be proved, and which were established, without vouching documents; if it is necessary to produce instances to prove this, I seek it in every man's heart, except the gentleman from Virginia. He appealed to every gentleman; who did not regret the retirement of the PRESIDENT? He thought there was a propriety in making a declaration of this kind, though he meant not to indulge himself in exhibiting by detail. It had been said that we should not compare the flourishing state of this country with the distressed state of European nations; or the state of this country with its situation prior to the existence of the present Constitution. If he mistook not, this was the case. He appealed to good sense, whether a doctrine of this kind was not extravagant? Was it not natural for a man to dwell with delight on

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his own enjoyments? For a man in prosperous circumstances to increase his own happiness, by drawing comparison with a man not so? The man who did not this, left one-half of his harvest unreaped. But here we are not merely making the declaration of our preference of situation to other nations, but we are making our acknowledgement to the beneficent hand of God, who has thus distinguished us; he wished not to control the consciences of gentlemen, but he thought it both natural and becoming. A just sense of our obligations to this power, and a grateful acknowledgment, is the most proper employment of the mind. And how can a proper estimation of those favors be known, but by drawing comparisons with others in dissimilar situations. Suppose a ship experiences a wreck, and some of the crew are lost; ought not the man who has escaped with his life be thankful, that while his companions perished, he was saved? If, in the dreadful catastrophe of fire, its raging flames are stopped at my next neighbor's house, have I not reason to thank God for stopping it short of my house? What man can be thankful enough at having escaped? He thought it not more unbecoming to introduce such expressions of gratitude in this way, than for a clergyman to introduce them in his daily prayers.

It has been said, that to contrast our state with that of nations at war, would give them offence; but I think it very becoming in us to exult and be thankful too for our state of peace.

If that objection be real, it might be easily obviated by adding "*unhappily*" after the word "war." It would be improper to exult over the misfortunes of others. By introducing this word, it will show that we deplore their troubles; he thought when calamities did exist in the world, it cannot be wrong that we rejoice because they are not our own.

It had been observed by some gentleman, that the cry of foreign influence is in the country. He did not see such a thing exist. He would not be rudely explicit as to the foundation there was for such a cry; but when it was once raised, the people would judge whether it was fact or not. He could not tell how this influence was produced, but the world would draw a view how far we were under foreign influence. Mr. A. here alluded to the influence which foreign agents wished to have over the minds of the people of this country in order to support a factious spirit, probably to the appeal lately made to the people. He also alluded to a circumstance when the Imperial Envoy, M. Palm, in 1727, at London, published a rescript, complaining of the conduct of that Court; the spirit of the nation rose, and discord was sown. In consequence of which the Parliament petitioned the King to send the Envoy out of the country for meddling with the concerns of their nation. That is the nation which we call corrupted. Yet a similar affair has occurred here, and it is not to be reprobated; we are not to complain of it, nor even hear it, according to this doctrine. Independence is afraid of injuries, and almost of insults. We must for-

bear to exult in our peace, our light, our freedom, lest we should give offence to other nations who are not so. This may be the high tone of independence in the views of some people; but I must confess it is not so in mine; but it is probable those people may be wiser than I am, and their views extend farther. Foreign influence exists, and is disgraceful indeed, when we dare not admire our own Constitution, nor adore God for giving us to feel its happy effects. He thought, respecting the recent complaints of the French Minister, that there was not even a pretext for the accusation.

Mr. A. next referred to that part of the PRESIDENT'S Address, wherein he says, "standing for the last time," &c., congratulating us that the experiment of this form of Government had so well succeeded. The committee was charged to draw up a respectful Address to the PRESIDENT. It is an appeal to our constituents whether our labor has failed or not. The paragraph objected to was an appeal to facts. If he had entertained the ideas of some gentlemen in that House, who denied the prosperity of the country, reprobated our neutrality, thought our measures tending to despotism, and viewed the Executive as wanting in wisdom and firmness, that our present measures originated in corruption, and that our recent failure sprung from too great emissions of paper money; if this was true, he should think a Republican Constitution a chimera in its nature, and a curse in practice. But I entertain no such ideas; I think this Constitution has succeeded remarkably well; this is also the language of our constituents; and if true, whatever foreign nations may think or say (for he did not much care what they did) it was very right in us to make the declaration. And if the moment was come when the strength of our Government was to be tried; if we are on the eve of a war with France, as the gentleman from Virginia [Mr. GILES] alleges; never was a time when it was more proper to adhere to our duty, and cling to our Government, asserting our rights, supporting ourselves against foreign power and influence; and let their agents, who vilify our Government, find that we are not afraid to support our dignity or moderation. I would not wish to say to any foreign nation, we defy you; but I would say to any, we will hold fast our rights, our liberty, and independence. I would say to our Executive in this time of danger, rely on us; we are neither Frenchmen nor Englishmen, but we are Americans. If the doctrine stated by that gentleman be true, it is right, and now is the very time we should make these declarations, and show our unanimity, and not our imbecility or discord.

It had been observed by a gentleman, that the PRESIDENT, no doubt, is a very honest man and a patriot, but he did not think him a wise man.

Mr. GILES here rose to explain. He said that, in his assertions, he meant not to reflect on his private character. He referred to his Administration. No doubt but the gentleman possessed both.

Mr. AMES said, he considered well what the

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gentleman had said. As a private man, his integrity and goodness cannot be doubted; but in his Administration—here we are to stop short; not a word about that; it won't bear looking into: it has been neither firm nor wise. If the House, in their Address to him, were to say, we think you a very honest, well-designing man, but you have been led astray, sometimes to act treacherously, and even dishonest, in your Administration—we think you a peaceful man, and though much iniquity may have been practised in your Government, yet we think you are not in fault; on the whole, sir, we wish you snugly in Virginia. Such sentiments as these I do not like. Is this an Address or an insult? Is this the mark of respect we ought to show to the first man in the nation? Mr. A. observed that he did not agree with the gentleman from South Carolina [Mr. SMITH] who said that the PRESIDENT would carry daggers in his heart with him into his retreat from public life, if we refuse him our testimony of gratitude. No, he bears in his breast a testimony of his purity of motive; a conscious rectitude, while in public life, which daggers could not pierce. He would retire with a good conscience. Perhaps it would be said this was adulation, but let it be remembered this was truth; this was not flattery; let gentlemen deny this; let them prove that this is not the will of their constituents. The country would judge our opinions when we come to give our yeas or nays; then the real friends of that man will be known.

The gentleman wishes him back to Virginia, was glad he designed to go; he did not regret his resignation. His name will appear in that opinion. The whole of the PRESIDENT's life would stamp his character. His country, and the admiring world knew it; and history keeps his fame and will continue to keep it. We may be singular in our opinions of him, but that will not make his character with the world the less illustrious. We now are to accept of his resignation without a tribute of respect. We are not to speak of him as either wise or firm. We can only say he is an honest man: this would scarcely be singular; many a man is honest without any other good qualifications. What circle would gentlemen fix the committee in to amend this Address, if they are not to give scope to these sentiments? Better appoint no committee at all. If we address the PRESIDENT at all, I hope, it will be respectfully, for loth respect is insult in disguise. I hope we shall not alter the original draught of the Address, but agree according to our former intentions to present a respectful and cordial Address.

Mr. SWANWICK rose to explain to those parts of the observations of some gentlemen who had lately spoken [Mr. DAYTON and Mr. AMES] on that part of the paragraph, which speaks of our gratitude to Providence. He should be sorry if such an idea was entertained from anything he had observed. It was not that part of the paragraph, but the part where we are contrasted with other nations, that he objected to principally. Although, he must observe, it was not spoken in a style common to devotion, to tell Providence how

wise and enlightened we were. It does not boast of our philanthropy, to say how much wiser and better we are than other nations. He thought the gentleman's reference to a clergyman very curious. It would not be right in us to say to God, we thank thee, we are wiser or more enlightened than others! If we are so, let us rejoice in it, and not offend others by our boasting. Gentlemen say, we are happier than though we were at war; are we at peace? No: we are involved in the worst of wars. Witness our spoliation from Algierne, English, and French cruizers, from some of which he himself had suffered materially. The PRESIDENT does not think we are at peace: he recommends a Navy as the only efficient security to our commerce. How could that little island (England) command such influence in foreign dominions? It is by her navy. We cannot boast of such power. While we think ourselves much happier and stronger than others, others think us more diminutive; let us not boast. He feared that the revenues of this country would suffer materially through the great stagnation of commerce. He did not think they would be as productive as formerly. He feared it was too generally known, that this was not a time of very great prosperity. As he did not, for one, feel the prosperous situation of the country, he could not consent to violate his feelings by speaking contrary to them. The gentleman from Massachusetts [Mr. AMES] last session, spoke with great eloquence and at great length of the horror of war; which he considered as inevitable if the British Treaty (then the subject of debate) was not carried into effect.

The PRESIDENT now tells us we are in danger of new evils. Is this the prosperity on which so many prayers are to be offered up, and so much boasting is about? He did not see occasion for it. That gentleman, Mr. S. said, would always find him as willing as himself to support the dignity of the nation, and to prevent other nations interfering with our advantages. He observed, now there was danger to be expected, Mr. AMES had forgotten the horrors of war; now, on the contrary, he can bid defiance, when it is the French we expect danger from. How this gentleman could reconcile these inconsistencies he knew not. The gentleman had drawn a comparison of a shipwreck to illustrate his remarks, but surely it was not a good figure. Are the nations of Europe shipwrecked? If we read their own publications of themselves, they will tell you they are the most free and enlightened people upon earth, and yet we call these an unhappy people; they may be so, and we may be happy, but do not let us draw comparisons. Mr. S. wished neither to undervalue our prosperity, nor discard a just sense of the dealings of Providence; he only wished that we may not think and speak too much of ourselves. On the whole, he said, the better we manage our own concerns, the more advantage to us, and he wished we were happier than we were, but not to risk offending other nations by our boasting.

Mr. CHRISTIE moved for the Committee to rise. The House divided on the motion; 43 members

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appeared against it, 31 only in favor of it. It was lost.

Mr. GILES rose and observed that he should not have troubled the Committee with any further observations, but his ideas had been misrepresented; although he endeavored to prevent a possibility of misconstruction, yet it seems he had not been able to accomplish his wish. It was not wonderful, he said, that the PRESIDENT's popularity should be introduced into the debate when it had been so long in question. It had been too commonly done, he thought, but he hoped the influence of it would not be very great. As to the unanimity of the committee who drew up the Address, he cared very little about it; he should be extremely sorry to see it have any influence on the members of that House.

Gentlemen have said, that if we take out the expressions of our sense of the wisdom and firmness of the administration of the PRESIDENT, they cannot find any ground on which to compliment him; if so, he for one would not be willing to present an Address at all. But his views were quite different; he thought it could be effectually done without adulation. He could not consent to acknowledge the wisdom and firmness of his administration. Gentlemen had inquired for instances in evidence of this assertion. He said, that without seeking for more instances, that of the British Treaty was a standing proof in support of the assertion. Though many gentlemen believe nothing has been done injurious to the United States through that Treaty, yet I acknowledge I see very great danger; we are not now in that state of security which could be wished. It is well known that the operation of the British Treaty is the ground-work of all the recent complaints of the French Government. It may be said that many of the complaints of the French Minister originated from actions previous to the British Treaty. It may be so, but that was the means of calling forth complaints which, perhaps, would otherwise never have been made; else why did not this calamity befall us before? It certainly may be ascribed to that instrument. Gentlemen may talk as they please about the Law of Nations; but the Law of Nations is, that a neutral nation shall not do anything to benefit one belligerent Power to the injury of another. Mr. G. said, he thought matters carried a serious aspect, and he very much disapproved of the declaration of a gentleman [Mr. AMES] who says, now is the time of danger; we are on the eve of a war with France, now let us boldly assert our rights. At the time the British Treaty was debating on, that gentleman was overcome with the prospect of a war; he then depicted it in horrible forms; but now how different his language! He now seems not afraid to embrace all its horrors, and was zealously calling out for the nation to support the Administration. Why did we not hear this when the British spoliated on our commerce! If we are upon the eve of a war with France, as the gentleman supposes, it will be disastrous to this country; we have reason to deplore it; it will be calamitous indeed. France has more power to injure this

country than any nation besides, and none we can injure less. What an influence can she command over our commerce? She can exclude us from our own ports; spoil our trade with Great Britain, and from her own extensive country; she can shut us out from the East Indies as well as the West Indies; ruin our trade in the Mediterranean, which, owing to the late conquests of the French, may be rendered very flourishing and important to us; and by her alliance, offensive and defensive, with Spain, we not only have another enemy, but lose our late advantages in the navigation of the Mississippi. Suppose, by the influence of her politics, the doctrine of liberty and equality was to be preached on the other side of the Alleghany mountains, what numerous enemies may they breed in our own country? France can wound us most, and we have the least reason to provoke her. It would be policy in her to go to war with us; by ruining our trade with England, she could give a violent wound to her enemy; yet that gentleman says, now is the time to assert our rights, now we are in danger. The war-whoop and the hatchet, of which the gentleman spoke so feelingly last session, is no longer in his thoughts. If this was the only reason he had, it would be enough to influence his vote against an acknowledgment of the wisdom and firmness that has dictated our Administration.

The gentleman from South Carolina [Mr. SMITH] had said that attempts were made to separate the PRESIDENT from the other branches of the Government. Mr. G. observed, that the Senate were his only advisers on the business of the Treaty. It was thought, and he believed with good reason, that if that Treaty had been laid on the table in this House for discussion, before it had received its sanction from the Executive, it never would have been carried into effect. He thought, and his constituents thought, that it was a ruinous measure. All America began to think, and will soon see, that it was a very unwise and injurious action.

The gentleman from Pennsylvania [Mr. SINGREAVES] had, he thought, very improperly drawn a comparison of a man, felicitating himself in the midst of his family, and comparing with his neighbor. He compared it to the deliberations of this House in our enjoyments. Adverting to the simile before mentioned, Mr. G. said, that neighbor may be here attending to the comparisons drawn in the House, [alluding to the Minister of a foreign nation present at the time.] An attempt had been made to oppose the striking out the paragraph in question, but he really hoped it would not obtain, as he wished it to be recommitted. He thought it might have the advantage, by adding some new members to the committee, of being altered to a more general satisfaction. But no influence under Heaven could ever induce him to vote for the present Address. He hoped it would not be thought he was wanting in respect for the PRESIDENT. No, said he, truly I do not love his measures, but have a cordial affection for the man. I wish, sir, to speak of him with respect and esteem. The reason I wish him from his present

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office is from a knowledge that he will be more happy at Mount Vernon than he can be amidst the turbulence of State affairs. I know the people can do without him. This is a Government of the people, and the people can choose another for themselves. I believe, sir, there is national gratitude due to him; but as respects the Treaty with Great Britain, I believe therein was a failing. I think, sir, there is such a sentiment as national gratitude from the people to him, but it is not incurred through that instrument. If gentlemen can form an answer without such expressions as those I have taken the liberty to object to, I wish they would. Certain I am it can be done, and that with very good satisfaction by those gentlemen, without hurting their own feelings.

Those who vote for striking out have been charged with a want of gratitude to God for national blessings. He could assert for himself that the view was to remove that sentiment, but he supposed something would be introduced by the committee with less exception and equal force. He thought there was scope enough to compliment the PRESIDENT without writing "scoundrel" on their own foreheads, by expressing approbation of measures which they always opposed.

Mr. WILLIAMS rose and said, he was sorry to trouble the Committee at such a late hour, but he could not be satisfied with giving a silent vote on an occasion when the PRESIDENT's popularity was doubted. He thought members ought to speak the will of the people they represent. He could assert that it was not merely his own opinion he spoke, but that of his constituents, when he voted for the Address as reported. He was sorry to hear the gentleman last up speak in the style he had done, although he owned it was not altogether new to him. The gentleman wished the first clause to be struck out. Mr. W. thought it was the duty of every pious man to thank God for the benefits he enjoys. And shall not we, as a nation, thank him for keeping us from a state of war? Gentlemen's ideas were to strike the whole out in a mass; but he hoped they would not be gratified. Mr. W. said, he was very sorry to hear the gentleman speak against the wisdom and firmness of the PRESIDENT, which assertion seemed to have its foundation in the Treaty concluded with Great Britain. He would ask the gentleman whether that act of ours should have any influence on our situation with France? Wherein have we differed from the compact made with France by our Treaty made with that country? We surely had a right to treat with Great Britain, else we could not be an independent nation; and France will not deny this. In 1778, the Ambassador of France informed the British Court that his nation had entered into a Treaty with the United States, and at the same time informed them that great attention had been paid by the contracting parties not to stipulate any exclusive advantage in favor of the French nation, and that there was reserved, on the part of the United States, the liberty of treating with any nation whatsoever upon the same footing of equality and reciprocity. But the gentleman [Mr.

GILES] says, we ought not to give an advantage to an enemy. Mr. W. said, that no advantage was given to Britain, but, on the contrary, the article complained of must be of advantage to France; it is an encouragement for American vessels to go to their ports; it insures them against loss, if they are interrupted in their voyage. It had been said that it would be to the interest of France to go to war with us; if they consider it so, all that gentleman can say will not prevent it. When we reflect on a Treaty entered into on this principle with Great Britain, should France complain? Mr. W. observed, on an expression of Mr. GILES, where he had mentioned the side his name would be in the Journals of the House, that as his opposition was against the PRESIDENT for his perseverance to prevent being drawn into a war; to imbrue our hands in blood to gratify the hatred or serve the interest of another, we ought to agree to the report; this being the last time we shall address him, the people wish and expect us to address him with respect and gratitude. Have not the State Legislatures addressed him in this manner? Even the State where the gentleman whom I have answered comes from? How, then, he would ask, will it appear hereafter, when the transaction of our proceedings comes to be read, how will it then appear that every part of the Government, except the General Federal Legislature, have acknowledged their obligations to that useful man? Surely we represent the same people as the Legislatures of the States do, and we should coincide in our measures to do their will. He was sorry, he said, the gentleman had said a single syllable degrading to that man's public character, and he hoped they should go no farther into the business. Let us endeavor to eradicate from our minds those opinions which we may have suffered to have acquired a growth which overshadows the dictates of truth and justice. Let us each individually consider whether we have not suffered our private interests to bias our public conduct, and, with a view to temporary advantage to ourselves, sanction measures which, unless timely checked, may put in hazard those blessings which a Constitution founded like that of the United States, not on the vision of a heated or distempered imagination, but on principles which, unchecked in their operation by the arm of violence or misrepresentation of calumny, must necessarily produce, and when we shall have traced in the wisdom which shall have directed, and the firmness which effected the Revolution, let us then consider the man who hath been the instrument.

At this point the Committee rose, and had leave to sit again, and the House adjourned.

THURSDAY, December 15.

ADDRESS TO THE PRESIDENT.

The House, according to the order of the day, resolved itself into a Committee of the Whole on the answer to the PRESIDENT's Address, Mr. MULLENBERG in the chair.

The question before the committee was Mr. GILES's motion for striking out.

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Mr. NICHOLAS said, he sincerely wished that such an answer might be agreed to, as would give a general satisfaction. He hoped some mode would be adopted to unite the wishes of every gentleman; his disposition, he said, led him to vote for the paragraph; he thought himself at liberty so to do, as he was satisfied the Administration had been, in many instances, wise and firm. He thought it improper that such debate should take place at the present time. He could see no inconvenience that could arise from voting for the Address. The words on which most stress had been laid, were those expressive of the wisdom and firmness of the PRESIDENT's administration. He declared he thought it had much contributed to the success of this country; and if success had attended his measures, there could be nothing inconsistent in their acknowledging it; which was all the compliment necessary to give satisfaction. He thought he could vote for the Address without involving himself in all the sentiments advanced on the subject. Mr. N. observed, that some of the expressions in the Address were much stronger than he wished them. He knew his constituents regretted the PRESIDENT's resignation, and that whatever little interruption there might have been to weaken their esteem of him, he yet retained their confidence. With this explanation for my conduct, said Mr. N. I think myself at liberty to vote for the Address.

Mr. RUTHERFORD. My colleague, has in a great measure anticipated my sentiments on this occasion. I am sorry for the mistaken zeal the gentlemen of the committee should have shown for the PRESIDENT, by introducing expressions into the Address so exceptionable, and which should be subject to such an uncomfortable exposure of that character.

I was able yesterday only to attend a part of the debate, through indisposition, but what I did stay to hear, hurt me very much. I heard gentlemen speak ill of the common parent of our country, whom we all revere; and was a slip, but one criminal slip to rob the PRESIDENT of his good name? We have seen the goodness of the heart of that man, and with satisfaction. We have seen him wrestling with his own feelings to continue in the important and weighty business of Government; we have seen him contending with two great rival nations, and yet preserved peace. When he had made a slip, the people of America have stepped forward to assist him, and dropped the generous tear, sensible that to err is human, and that we are all liable to do wrong. I am sure that my colleagues and every one in the House hold the character and virtue of that man in high esteem. I am sorry to see that division of sentiment which has taken place; it would make the world believe that we wish to rob him of those qualifications. It is the justice and duty of this House to do that man, that patriot, all the honor they can, whilst it is the interest of this nation to hold in view those great points with generous satisfaction, and good wishes to the man who has stepped forward, and not in vain, to the support of our Republic in the war, and under Divine assistance was made

our deliverer. And now for gentlemen to come here and speak of the troubles of the country, ascribing all our adversity to him, it is like applying cold water where the strongest energy is necessary. Again I would repeat, that if that man, our common parent, has committed errors, it is no more than we all may do: it is the general lot of all. If there have been faults in the Administration, I do not think they lie at his door, but at his counsellors; he has had bad counsellors; his advisers are to blame, and not him. I never saw how he could have done otherwise than he did. And now, sir, said Mr. R., it is our duty to bear those great actions and generous sentiments in our view, that, on his retirement from his public station, we may render him all the respect due to his character. Nor would I less remember our situation with France, that great and generous Republic, under whom we owe our liberty. Let us not give offence to her, but by every mark of gratitude and respect, act a part consistent with a just sense of our peaceable intention. Let us act with the greatest circumspection and deliberation.

I hope the present Address may be formed not to diminish our sense of respect for the great man to whom presented, while it gives unanimous satisfaction to all the members of this House.

Mr. LIVINGSTON was sorry the answer was not draughted so as to avoid this debate. He said, it was his sincere desire and hope that the candor of gentlemen who advocated the Address in its present form, and those who wished it amended, would so combine as to make it agreeable to all. He said he intended to oppose the amendments which had been proposed, although he did not see the Address every way right; with a view to reconcile parties, when the present motion was disposed of he should move to strike out some words, in order to insert others. He could not, like some gentlemen, draw consolation from the misfortunes of other nations; their distresses were rather matter of regret; nor did he see a propriety, as another gentleman had done, of likening our affairs with those of the members of a family; but, even if it would bear, he could not see that tranquility in this family as was expressed. His only objection, he said, to the paragraph in question, was the words "tranquil prosperity." He believed the United States did not enjoy that tranquil prosperity; on the contrary, he thought this was a time of great calamity in the country, and he thought that it was owing, principally, to the measures of the Government. There were other clauses in the Address, he said, he should, when they came to be considered, make objections to, and he thought they could be all easily removed by motions suitable; however, he said there were many sentiments in the Address in which he heartily concurred. He should vote against the striking out the eight clauses in question, as he thought such amendments could be proposed as would make the Address meet his hearty concurrence, and he believed give general satisfaction.

Mr. GILES's motion was then put, to strike out those clauses and negatived.

Mr. PARKER renewed the motion he made yes-

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terday, to strike out the words "freest and most enlightened in the world."

Mr. HARPER said, that he believed the motion he yesterday offered had the advantage of superseding the necessity of that motion, as it would strike out a much greater portion of the Address in order to substitute words more simple and expressive than the several parts now contained. He would not again go over the ground he yesterday trod; but would barely submit the resolution to the committee. He did not propose to amend the Address because he felt any reluctance at expressing the sentiments contained in them, but because he thought the words proposed would more effectually bring about a reconciliation, and have the advantage of more simplicity and force of expression. His amendment was, to strike out that part of the answer, from the words "retirement from office," at the end of the seventh paragraph, to the words "may you long," &c., at the beginning of the last paragraph; and insert, "and to avail ourselves of this occasion, since no suitable one may hereafter occur, of disclosing those warm emotions of respect, gratitude, and affection, with which we, no less than our constituents, have been inspired by a life equally illustrious for the wisdom, integrity, and patriotism whereby its public conduct has been guided, and fortunate in the happy influence which the exercise of those virtues has produced on the prosperity of our country."

Mr. FREEMAN said, he could not vote for the motion the gentleman had made for striking out, nor the substitute proposed; because it left out a sentiment contained in the original which he very much approved, and which he would wish by all means to be included in the Address, viz: "Yet we cannot be unmindful that your moderation and magnanimity, twice displayed by retiring from your exalted stations, afford examples no less rare and instructive to mankind than valuable to the Republic."

Mr. HARPER said, those words could be easily admitted into the motion, which he had no objection to.

Mr. AMES hoped that the motion to strike out would not prevail; for, without being over tenacious on the subject, he must give a preference to the copy of the report which was printed; the members had the advantage of weighing it in their minds, which they would lose by adopting the substitute; besides, he thought the ideas were so crowded in that proposed, as to render it heavy; he hoped the reported Address would be agreed to.

Mr. HARPER's motion was then put and negatived. Twenty-five members only voting for the motion.

Mr. PARKER again moved to strike out "freest and most enlightened," &c.

Mr. W. SMITH said yesterday, in the discussion on the subject, gentlemen had assigned for their reason to strike out those words that other nations would be offended at us. It was usual, he said, for nations to applaud themselves, and he thought it could give no offence to any. He did not hear gentlemen mention what nation was meant. He presumed the only nation that could be alluded to

was the French Republic. If, however, it can be proved that they have used similar language, he supposed it would give gentlemen some ease as to this particular. In looking over some papers, he had seen several bombastical expressions in a note of Barthelemy, a report to the Convention of Laviere, and of Cambaceres, in the name of the three committees. In one are these words "a Government so powerful as the French." In another he calls it "the most enlightened in the civilized world." In another, "the first in the universe." He hoped that while that nation could use expressions like these, the gentlemen of this House would not think the expressions referred to would give offence to that or any other nation.

Mr. PARKER said, when he made the motion he did not refer to any particular nation; he had neither France nor England in view; he did not wish to see us contrast our political situation with that of any other country. His objections to the words, he said, arose from our making the declaration ourselves. Our Government, he acknowledged, was free; it was the best in his opinion anywhere. He wished to believe the people as enlightened as any other; he believed they were, and if they were not they had only themselves to blame; but however enlightened or free we were, in his opinion we were not the proper organs to declare it; however enlightened we might be, he thought the last four years administration had convinced many, as well as himself, that the Administration was not the most enlightened; if they had they would not have suffered such shameful spoliation on our commerce and shameful acts of cruelty to our seamen. He said the two little monarchies of Denmark and Sweden, neither of which in point of extent can be compared with the United States, more (to use the comparison of the gentleman from Pennsylvania yesterday) than a speck is to the sun; nor are they either of them in population nearly equal to the United States; and although they are surrounded by the greatest warlike Powers in a belligerent state, yet they have preserved their neutrality inviolate; their ships have not been wantonly seized, nor have their seamen been torn from their ships, or whipped at the gangway of British ships-of-war, or been shot by their press-gangs. To mention the instances of British cruelty towards our seamen in every instance that could be adduced, would take up time unnecessarily; one alone, that recently happened, I shall relate:

The brother of a member of this House [Mr. FRANKLIN of N. C.] was impressed on board a British ship-of-war in the West Indies; he was unacquainted with seamanship, having only made a passage from North Carolina to the Islands; being awkward and not being a seaman he was discharged. The same evening a press-gang of the same ship fell in with him and made him a prisoner; in attempting to make his escape he was shot at. The ball was aimed at his body; it was not winged with death, but the young man was wounded in the hand.

Mr. P. observed, that the Helvetic Confederacy, the Swiss cantons, have been better treated than us;

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although their inhabitants were few and they had no shipping, yet in the midst of powerful contending armies that even surrounded them, they preserved their dignity. Whilst they have preserved their dignity ours has very much diminished.

Mr. P. said, when the baneful Orders of the 6th of November, 1793, were issued by the British Government, by which our vessels were seized, and our citizens torn from their country, it was proposed by this House to lay an embargo, which was to be followed, and was followed by a bill to break off all commerce with Great Britain, after a certain day, and also to sequester the British ships and other property in this country to make good for the losses illegally sustained; the first bill fell through in the Senate; the sequestration was given up in consequence of the Senate's rejecting the non-intercourse bill.

At this time, it was said by the gentleman from Massachusetts, [Mr. AMES] we must be sober-minded and discreet; we must not provoke this powerful nation. She is armed at all points like a porcupine, her quills are sharply pointed, and she, is in confederacy with the most powerful nations in Europe; therefore, it will be wise to shut ourselves up like the terrapin, and wait until events change the affairs of Europe; but on no terms whatever go to war. A breach of intercourse would be war, and sequestration was actual war. His language prevailed, and the Executive sent an Envoy Extraordinary to the Court of St. James's. It must have been expected by the most free and enlightened Americans, that this extra Envoy was sent to represent and demand redress of our grievances. But too soon were they disappointed; for, on his arrival, the first note from his pen addressed to Lord Grenville, says, "he relies only on the justice and magnanimity of His Majesty." The baneful Treaty since verifies the act. Was this language for us to hold out to that nation from whom we had received such insults and injuries? Do we rely only on the justice and magnanimity of that country for support? The most petty State in the world would scorn to debase itself so much. Where then is our enlightened state? This, he said, was an act of an Administration, they were called upon to applaud, and say we were the most enlightened in the world. He believed the PRESIDENT never would have put his name to the Treaty that has brought us to the eve of a war with France, if he had not been advised by the counsel of others, who, he feared, were friendly to Great Britain, hostile to France, and enemies to their country. As to the PRESIDENT himself, he believed him to be a just, wise, and good man; he knew he was brave.

The gentleman from Massachusetts [Mr. AMES] tells us we are on the eve of a war with France, and in this case it is necessary we should unite and meet her. Where are we to meet her, says Mr. P.? Have we a Navy to transport troops to Europe? No; and if we had, could we expect to foil that great nation, who are fighting for their freedom, and who had obtained more victories, and conquered more men in a few months, than ever was done by the Romans in their most suc-

cessful days? In case of a war with France, should we not be compelled to shut up ourselves like the terrapin in his shell [looking at Mr. AMES] could we carry on our trade abroad? Should we not be deprived of the islands of France in the West Indies, from whence we not only draw necessities for home consumption, but valuable cargoes for exportation? When the Treaty question was before us last session, the gentleman from Massachusetts, [Mr. AMES.] in order to frighten the House into the appropriation for the British Treaty, told us the tomahawk was lifted up to strike the son, whose blood was to enrich the cornfield. The slumbers of the cradle were to be disturbed by the savage yell, and a variety of other high-toned, alarming metaphors, which I am not able to follow him in, as, in point of eloquence, the palm is yielded to him; but, after this, let me ask for his consistency; then we were to shut ourselves up in our shell, now we are to meet France; why has his tone so changed? When Britain insults us, we are to crawl into our shell; when France does, we must meet her: did that gentleman meet the British last war? Where was that gentleman when we were struggling for our liberty? I presume he shut himself up in his shell.

Mr. P. said he had seen such acts of rapine and cruelty committed by the British armies in America, that he could not think them great or magnanimous, but the most cruel of any other nation. He had seen a flourishing town destroyed, houses and vessels burned, and families ruined; and when he took Portsmouth, in Virginia, in 1781, not an hour after General O'Hara left it, he found, in a house nearly as large as the one we sit in, a great number of melancholy victims of British barbarity, (some of whom were among the most respectable,) the rooms crowded with people, dead and dying of the small-pox, not a single nurse to attend them, nor a drop of water to wet their mouths; this is among the evidences of British humanity.

These are the people we are to be allied to, to fight France. If we must go to war with France, and we are invaded by her, I must and will fight for my country; but, were I to have a choice, I would prefer a close connexion with France rather than Britain. Our Governments are more alike; we alike have fought for freedom; we have, in some measure, loosened the chains which ignorance and superstition had made, and which were supported by king-craft and priest-craft. I wish to see Republican liberty spread itself over the world; this is among the reasons why I should deprecate a war with France. Hence I hope that every measure will be used consistent with the honor of our country, to cement closely the bands of union between the United States and the French Republic.

Having said, perhaps, too much on this subject, I shall conclude with the words of a celebrated French author, (*Voltaire*), "I have graven on my heart a love of freedom, and a hate of Kings."

Mr. HARPER said, he had had not a disposition to follow the gentleman in his invectives against the Administration of this country, or in his re-

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ference to the conduct of another nation. Nor could he see what it had to do with the matter in hand. The question was, whether they should make the declaration or not; it did not appear to him important whether they made it or not. If it was true, other nations would see it. But why should gentlemen travel into this long field of invective? Suppose all these assertions were true, he should then vote against his own motion. Admit all was a mistake; that we are not what we think ourselves to be, and that it had its foundation in a base, wicked design, does it then follow that all the rest of America are equally wicked? We have been talking much about war, pacification, &c. It would seem to strangers who entered the House since the debate commenced, that the subject before the Committee was a declaration of war, whereas it is only whether we call ourselves a free and an enlightened people or not. The gentleman from Virginia [Mr. PARKER] said, he felt himself pacifically inclined to all nations. Mr. H. supposed the truth was, that the gentleman was pacifically inclined towards the nation who seemed to be hostile at present against this country. [Mr. PARKER here rose to make some explanation.] Mr. H., however, hoped they should not travel into fields of discussion, nor give scope to their imaginations, to call forth from their recollection all the circumstances which could be detailed, but which would only serve to irritate and prolong business which required immediate discussion; he hoped, therefore, that they should confine themselves to the simple question, whether to strike out or not? What, he would ask, have peaceful or hostile dispositions to do with the question in hand? He had said, when compared with Sweden and Denmark, our Government had been very unwise, and had suffered depredations on our commerce. He did not wish to enter far into the discussion, but this he could say, that Sweden and Denmark, although they had 36 ships of war always ready to protect them, yet they had submitted to as great insults as we have; with less force we have obtained greater advantages than they. As to the Swiss Cantons, although they have no ships on the ocean, they were in alliance with the only nation that could annoy them; besides, their situation is such that their mountainous country will protect them against all invaders; they can sustain an independent character with more ease than most nations. He did not see any superior wisdom in their conduct; he must consider our conduct marked with more wisdom than either of them. Involved in a labyrinth with three or four of the strongest nations in the world, although we have not received those advantages we could wish, yet he thought we had come out quite as well as we had any reason to hope. Contrasted with Sweden, Denmark, and Switzerland, we have obtained those advantages which would afford us ample reason to admire the wisdom of our Administration; and those advantages were obtained while we staid at home and managed our own business.

Mr. AMES said, if any man were to call himself more free and enlightened than his fellows, it

would be considered as arrogant self-praise. His very declaration would prove that he wanted sense as well as modesty, but a nation might be called so, by a citizen of that nation, without impropriety; because, in doing so, he bestows no praise of superiority on himself; he may be in fact, and may be sensible that he is less enlightened than the wise of other nations. This sort of national eulogium may, no doubt, be fostered by vanity and grounded in mistake; it is sometimes just, it is certainly common, and not always either ridiculous or offensive. It did not say that France or England had not been remarkable for enlightened men; their literati are more numerous and distinguished than our own. The character, with respect to this country, he said, was strictly true. Our countrymen, almost universally, possess some property and some pretensions of learning—two distinctions so remarkably in their favor as to vindicate the expression objected to. But go through France, Germany, and most countries of Europe, and it will be found that, out of fifty millions of people, not more than two or three had any pretensions to knowledge, the rest being, comparatively with Americans, ignorant. In France, which contains twenty-five millions of people, only one was calculated to be in any respect enlightened, and, perhaps, under the old system, there was not a greater proportion possessed property; whilst in America, out of four millions of people, scarcely any part of them could be classed upon the same ground with the rabble of Europe. That class called vulgar, canaille, rabble, so numerous there, does not exist here as a class, though our towns have many individuals of it. Look at the lazaroni of Naples; there are twenty thousand or more houseless people, wretched, and in want! He asked whether, where men wanted everything, and were in proportion of 29 to 1, it was possible they could be trusted with power? Wanting wisdom and morals, how would they use it? It was, therefore, that the iron hand of despotism was called in by the few who had anything, to preserve any kind of control over the many. This evil, as it truly was, and which he did not propose to commend, rendered true liberty hopeless. In America, out of four millions of people, the proportion which cannot read and write, and who, having nothing, are interested in plunder and confusion, and disposed for both, is small. In the Southern States, he knew there were people well-informed; he disclaimed all design of invidious comparison; the members from the South would be more capable of doing justice to their constituents, but in the Eastern States he was more particularly conversant, and knew the people in them could generally read and write, and were well-informed as to public affairs. In such a country, liberty is likely to be permanent. They are enlightened enough to be free. It is possible to plant it in such a soil, and reasonable to hope that it will take root and flourish long, as we see it does. But can liberty, such as we understand and enjoy, exist in societies where the few only have property, and the many are both ignorant and licentious?

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Was there any impropriety, then, in saying what was a fact? As it respects Government, the declaration is useful. It is respectful to the people to speak of them with the justice due to them, as eminently formed for liberty, and worthy of it. The gentleman from Virginia, [Mr. GILES,] on a former occasion, had said he adored the people; but now, when there was a wish to pronounce the attributes of his divinity, he was not found more fervent in his adoration than many who had made no such profession. If they are free and enlightened, let us say so; if they are not, he should no longer adore them; they would not certainly be worthy of honors quite divine. Mr. A. said they ought not only to say this, because it was true, but because their saying so would have the effect to produce that self-respect which was the best guard of liberty, and most conducive to the happiness of society. It was useful to show where our hopes and the true safety of our freedom are reposed. It cherished in return from the citizens a just confidence, a spirit of patriotism unmixed with foreign alloy, and the courage to defend a Constitution that a people really enlightened knows to be worthy of its efforts.

If the words were objectionable, it would be easy to alter them to avoid the objection without impairing essentially their force. A gentleman near him had suggested the propriety of saying we were "among the freest and most enlightened." He had no objection to the alteration, though he saw no reason for altering the phraseology, but he was willing to compromise with gentlemen, it not being essential. The citizens of a free Government ought, he said, to believe they were the most free and enlightened, because, having the power of making the Government what they please, if it was not the best, it would be their own fault for not making it so.

He believed the House would not be surprised if he took notice of what had been said in allusion to him in the course of the debate—allusions with which he could not be offended, because they were urged with so many expressions of the most flattering civility. But every gentleman would believe those things were not applicable to him, as their recollections would not fail to prove. What had been his language with respect to Britain? Did he say we were to submit? Did he say we were to defend our country? Was he then afraid as they were now, that soft words would not be soft enough? No; such language came not from him. Do nothing to irritate; wage no war; no hostility. Such, he called sequestration, and other acts of that nature. We were, he said, about to make war on British property, and such would have been considered a kind of minor war. He, therefore, wished to shut up ourselves in our shell like a tortoise. But, at the same time, he recommended troops to be raised, ships to be built, taxes to be laid, and a spirited claim of justice to be urged. The gentleman who wished at that time particularly to preserve peace, did not wish to hold out the olive-branch alone, by leaving the country defenceless. This many of their opposers absolutely did. These,

he said, were their reasons, and they had been effectual. He would not go into an examination of the subject now. It was their wish to urge every exertion of the country, to have strained its faculties till they were ready to crack, and to have called forth the last dollar and the last man in defence of the country in case of necessity. Did this look as if they wished to truckle to Great Britain? Many of their opposers, so zealous then for retaliation and reprisal, were not for anything else—neither troops, ships, taxes, nor Treaty. This the yeas and nays on the Journals will establish. Will the opposers show half the spirit now that we felt and expressed at that day?

How happened it, he asked, that gentlemen were so angry because they had then heard the language of peace; and now, because the same language was heard? Not one of us desire hostility. Was it because Great Britain was then the object and France now? Wrongs from the former cannot be resented enough; and wrongs and insult, too, from the latter, require words of more ardor than a lover's. No man felt more for the wrongs of America than he did. He felt for the loss of ships and property; and more, that our seamen had so suffered. On no occasion had a drop of blood pressed through his heart more quickly than at their painful misfortunes. But, was it not the part of dignity and prudence to endeavor to obtain restitution for those wrongs rather than take up arms? Was it suited to national dignity to make use of the language that had been used on that occasion by many of his opposers? He thought both national and personal dignity forbade it; he had thought it equally intemperate and unbecoming.

Did not gentlemen seem to feel more for one individual than for an insult on the whole nation and its Government? The Administration might suffer contumely and abuse, and the country, too, without producing any emotions in the breasts of gentlemen; their feelings seem to take quite another direction. If the British Minister should outrage our Government, as the Minister of France had done, every one would be for avenging the wrong. He thought it right that they should now declare their determination of supporting the Executive in supporting our national honor and dignity, or let him see in season that he was to be abandoned.

The gentleman from South Carolina [Mr. HARPER] had justly said, that though we had no Navy to support our pretensions, we had come off better than Sweden or Denmark—countries which had been produced as patterns of wisdom. Though he did not suppose the British Treaty would be carried into effect, so as to satisfy every person who had suffered in his property by the British, yet he trusted the event would prove, in a considerable degree, satisfactory. He wished all other depredations on our commerce might be in the end as nearly compensated.

At the time when Government was pursuing her negotiation, we were embarrassed with Spain, with the Indians, and with the Western people. On the sea, our people were suffering in their

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property. The British Treaty was, therefore, made under disadvantageous circumstances. Too great an eulogium could not be bestowed on the Government, and truth would sometimes procure its universal assent, that we had recovered our territory, and made provision for the spoliation of our commerce; that we had settled our peace with Great Britain, Spain, Algiers, and the Indians; and that our ships were not taken so much as before. What Treaty will not do, (as the gentleman said some time back,) war must: but Treaty has proved effectual.

It seemed that as if gentlemen never could say enough on the subject of the British Treaty and of Great Britain. The Bank, Treasury, and other topics of declamation, which were formerly always in order, seem to be almost forgotten. Was this the way, he asked, in which they meant to recommend to the citizens the due respect for the acts of a majority of that House and of Congress? If they think this the best way of answering the ends of Government, and of producing confidence and harmony amongst the people, they did well. The means appeared disproportioned, or rather strangely opposite to that end. He was of a different opinion. He thought, and it was with due seriousness of deliberation he declared, the people were called upon to choose between them; between those who wished to support Government and those who avowed so unseasonable and so excessive a sensibility to a foreign interest and foreign nation; between those who condemned the insults offered to the Government, and those who seemed to approve them; those who thought the experiment of our Government had succeeded, and those who were bound in consistency with their own assertions, to say it was to be abandoned with disgust and in despair. He was of opinion they could not go on as they were, some pulling down, while others were building up; but the people could remove the evil by choosing a House who would be better agreed—the people being free and enlightened, would have no difficulty in choosing between them. Both sorts of men ought not to be there; either those who, like the Government, are in the right, or those who dispute, revile, and despise it. The people would, he doubted not, judge right. He wished the appeal to be made without delay, and so solemnly as to make it effectual.

Mr. CHRISTIE wished to make an amendment to the paragraph, which he thought would answer the end equally as well as striking it out: if agreeable to the gentleman from Virginia [Mr. PARKER] he would move to put the word "among" after the word "freest," which would read "the freest and among the most enlightened. He could not say we were the most enlightened, but he did think us the most free; not that he was afraid of offending any nation, but he thought this a more consistent declaration.

Mr. SWANWICK said, nobody doubted but we were free and enlightened, but he thought their declaration was no evidence of the truth of it. He thought the last amendment very good, but it would be still better if the gentleman would put

the word "among" a little further back, so as to read "among the freest and most enlightened." A pacific disposition could not be proved by anything so well as treating others with respect as well as ourselves; we may not be exclusively free or enlightened. He hoped it would be thus altered.

Mr. CHRISTIE thought we were the freest people in the world; he, therefore, could not agree to the amendment last proposed.

Mr. COIT could not say with the gentleman last up, that we were the freest, but he was very willing to agree with the amendment of a gentleman, that we are among the freest and most enlightened; he thought the first amendment much improved by this; he said it removed great part of the difficulty from the minds of many gentlemen; however, he hoped no unnecessary time would be taken up with such trifles.

Mr. GILES next rose to speak to some observations which were made by the gentleman from South Carolina, [Mr. SMITH,] on the mode of expression used in the words proposed to be struck out. That gentleman brings some examples from France of this boasting spirit, but he thought their example in those things should not have influence here. Mr. G. said, he believed he was one among those on whom that gentleman supposed such would have influence; but he could assure him, if he thought so, he was mistaken. He did not like that disposition in any one; it was to him extremely disagreeable; and he did not approve it any the better because the French nation had set the example. That vaunting style of the French nation was, to him, the most irksome of all their conduct.

The gentleman from Massachusetts [Mr. AMES] supposes, said Mr. G., that I no longer adore the people, because I will not allow them to be called, in this Address, the freest and most enlightened in the world. Perhaps I think as highly of the people as that gentleman does, but if so, it is not becoming in me to express it in that manner. If we are the most free and enlightened, it does not become us to make our boast of it, neither did Mr. G. think it right to tell the people so. The gentleman endeavored to do away the objection, by drawing a picture between a nation and an individual using that language. The Representatives of the people were the same as the nation. Mr. G. thought we were a free and enlightened people, yet it was very indelicate in that House to use the expressions. In an individual the case was quite different. He did not think the comparison just; however, if the House were determined to use the expressions he should not object, it was very immaterial to him.

The gentleman from Massachusetts [Mr. AMES] said some individuals were opposed to the Government. Mr. G. wished to understand the meaning of the term Government. If the gentleman meant the Government of the United States in all its branches, as organized by the Constitution, he did not think it would at all apply. Not one on that floor, he said, could love the Government in this sense more than he did; he never

suspected what the law adopted; he had all his life embraced it with pleasure; but if the Executive alone was meant as the Government, Mr. G. thought that was sometimes censurable; however, he could not call that the Government, although it was a part of it, and a very essential part. He was sorry to find that this part of the Government had placed us in a very disagreeable situation. He said he was one of those who extremely disliked the Treaty with Great Britain. This was one of those acts which to his view was unwise in the Administration. He did not like any close connexion with that country; although some pecuniary advantages might arise from it, yet there was enough in his view by forming such a connexion as to overbalance all partial advantages.

What, said Mr. G., is our existing situation with respect to France? He thought the state of our affairs with respect to that country far from agreeable. The PRESIDENT announces something very uncomfortable, and accounts that have been received from France corroborate the testimony, and even adds to the danger; and where can we put the blame, but on our accommodation with Great Britain by the Treaty, by which we are liable to be interrupted by a nation infinitely more powerful? By the acquisitions of Spain and Holland to France we not only lose those who were our friends, but they become enemies in common with their ally; our commerce with all the world, and even with our own ports, is ruined by her privateers, which originates in that calamitous Treaty. He said he would appeal, if this is the case, whether the declaration of the gentleman from Massachusetts [Mr. AMES] was well timed, to come forward and tell them what we will do; we were ready to meet them. If this is the happy prospect arising from what the gentleman calls a wise and firm Administration, he lamented it as fraught with evil. He thought that in the contract with Great Britain we had made a dangerous poison, which would soon be felt.

With respect to one allusion of the gentleman, he would say, that he felt the same adoration for the will of the people now, as he ever had done, and he hoped he always should; he thought no gentleman could charge him with contrary conduct; the sentiments he had always supported arose from a feeling and conviction of their propriety. He said he made these remarks because some gentlemen had indulged themselves in such personalities. He forebore to make any further observations, as he might, some time, take an opportunity to remark on some particulars in an expected communication, when it offered. With respect to the Address, he should vote against it.

Mr. DAYTON (the Speaker) said, that some of the observations which had been brought into the present debate were of too delicate a nature to be commented upon or even repeated; he should not, therefore, follow the gentleman who spoke last, in his inquiry, how far this country was exposed to be annoyed by France in the possible, though happily not probable, event of a rupture with France?

As to the words "freest and most enlightened," which were more immediately the subject of discussion, he did not object against them on the ground of fact, but he considered the expression as resolving itself into a question of decorum and delicacy, the rules of which appeared to him to be violated, in their ascribing to themselves such a superlative preference, however true, in a comparison with every other people. The amendment of the gentleman from Maryland [Mr. CHRISTIE] very much softened the terms and rendered them more palatable.

Some remarks had fallen from the gentleman from Massachusetts [Mr. AMES] which were irrelevant to the subject, and Mr. D. could have wished had been therefore omitted. Had he contented himself with challenging any member to point out a single instance of inconsistency in him, and pursued the subject no further, Mr. D. said, that his respect and friendship for the member from Massachusetts would have induced him to be silent; but, when that gentleman had wantonly gone out of his way to bring into view and arraign the policy of certain energetic measures which were at a former session contemplated to counteract the encroachments of Great Britain, he felt himself called upon to take some notice of them. Those measures, and sequestration in particular, had been on a former occasion asserted, and now again unnecessarily repeated, to have been intended as acts of hostility. Is it then, inquired Mr. D., an act of hostility simply to sequester, or in other words, to attach, and to arrest and detain in this country the property of the British nation, as a pledge or security for the indemnification of the citizens of the United States against the depredations of that nation; and is it no act of hostility against this country to have their property not merely sequestered, but condemned, confiscated, and wasted by the cruisers, subjects, Government, and Courts of that nation? Such, he was sorry to say, had formerly been the reasoning and assertion of the gentleman from Massachusetts. The United States must not sequester, for it was war; but the plunder and confiscation of the property of our citizens was not to be termed hostility, but was only ground for negotiation. If it were possible for that gentleman to reconcile that striking inconsistency he might then free himself from the imputation. That he himself had advocated all the energetic measures which were proposed on a former critical occasion in that House was, Mr. D. said, his pride and his boast. He then thought, and he still thought, that if they had been carried into effect, the situation of this country, both as it respected the indemnification of our fellow-citizens who had been plundered and our commercial and political connexion with Great Britain, would be far more favorable than it could be said to be at that moment.

Mr. AMES said, that the gentleman from Virginia [Mr. GILES] had represented him as saying that he took it for granted that we were on the eve of a war with France. So far was this from being correct, he had grounded his expression carefully upon what fell from the gentleman himself.

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He said if we were on the eve of a war, as Mr. GILES insinuated, it was above all things necessary that we should cling around the Government, and not let an idea go forth to the world that there was a division of sentiment on the subject of the respective duties we owe to France and our own country. He knew not what more he could say with respect to France. He had advocated words strong enough for anything but a love-letter, and such were reported by the committee. It was possible, indeed, he might not feel all the ardor in her favor which was expressed by other gentlemen; for their's, he was free to say, he thought excessive and pernicious. It was not sweet enough to go down his throat, but much sweeter than he thought proper to make use of. He wished most cordially for peace with all nations, but if that could not be had he wished for an union of sentiment in support of our national character and dignity. He did not approve of anything like menaces, nor would he give the least encouragement to any hostile disposition; this, he said, had been the language used by other gentlemen in that House.

So much for that subject. With respect to what had fallen from the Speaker, it was possible on so many points, and with so many aspects of the same point, in the business of several years, he might not have acted consistently, though as to the matter in question, he neither admitted nor believed any such thing. He always acted as he thought best at the time; but at different periods he might, and this he said merely for the argument's sake, have acted differently. Sincerely, he was sure, he had acted, and the House would believe he had ever avowed his sentiments as he really felt them; but he could not see anything of this inconsistent kind in his conduct. Admitting that the capturing of our vessels by the British were acts of hostility—and there was great difference between such acts and the just causes of war—were we, he said, even then without reflection, investigation, or demand of justice, to return hostility for hostility? The French had also captured our vessels, and yet no one spoke of this as an act of hostility, or of sequestration, prohibition, or embargo, or blamed those who were silent. If one nation committed an act of hostility against another, was it not advisable, rather than immediately to retaliate, to endeavor to adjust the matter by negotiation? He thought so; the citizens of the United States unquestionably thought so, and that our Administration had great merit in so settling the late differences with Great Britain as to avoid war. It was true that the British had taken our vessels under a claim of right which they had to do so; and as contraband goods were liable to be seized, part of their conduct was clearly right by the Law of Nations, and a great part clearly wrong—so that it was difficult to determine which were acts of hostility. This of course required examination of facts, and adjustment of principles. The Treaty wisely provided for both. For this purpose a negotiation was opened, and was in a train that he sincerely hoped would be finally successful.

Gentlemen had been greatly offended by the

terms "justice and magnanimity," addressed by Mr. Jay in his memorial to the British Government; but now our own country was threatened, wronged, and insulted, in a very extraordinary manner, no language was soft enough to be used towards their favorite Republic. This distinction was remarkable. The remarks on inconsistency would no doubt labor for a solution of this enigma. Our real patriots would labor with them to be satisfied why the language of custom and common decency should be so shocked in one case, and why even humility and supplication should seem too harsh for offended France in the other.

With respect to the present situation of our country with the French Republic, it was no reproach upon our Government that the French had issued complaints against us.

It was said the British Treaty was the ground of offence; if so, he hoped there was not a drop of American blood that was not carried with rather more heat and rather more hurry through the heart by such a declaration. No nation, he hoped, would ever have such influence over the people as to dictate to us what form of Treaty we should make with another nation. It was an insult that marked the utmost insolence of spirit on one side, and its lowest abasement on the other.

No cause of offence, Mr. A. said, could justly be taken on account of that Treaty, since the French Treaty was in common with our other Treaties declared to be of prior force by an article of Mr. Jay's, and were the articles of the two Treaties to clash, those of the French Treaty would destroy any opposing article in that made with Great Britain, so that that Treaty would continue the law of the land, the same as if no British Treaty existed. Our juries and courts could be relied on to carry the law of the land into effect.

Information had been received, Mr. A. said, and stated to the public in all the newspapers, that continual efforts were making in Paris to excite a spirit of animosity against this country, and this by persons who were, though unworthily such, American citizens. Whether the language held by gentlemen in this House on the present occasion would not have a tendency to increase, to encourage, and to assist that spirit, he left those gentlemen to determine: Whether to say we were wholly in their power, that they were the only Power which could annoy our territory, that they were invulnerable and irresistible and we defenceless, that they were in the right and we in the wrong, was becoming any character but that of Frenchmen. If we are on the eve of a war, said Mr. A., I blush for gentlemen who can use such language, at a moment when the Power with whom the war was contemplated is offering injuries and menaces to our country. If the event were to be war, he acquitted the Administration of blame. It had not provoked it; but it was, if we may credit such various and concurring information as we had, owing to the intrigues carried on at Paris. What auxiliaries they may have here, he would not pretend to say. It had been there represented that there was a division of sentiment betwixt

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the Government and the people of this country, and that they (the French) had only to speak the word, and the Government would fall like other despotisms, which they affected every where to overturn. If this was the fact, and so it had been represented, this House and this whole country ought to show it no countenance; he thought it the duty of the place where he stood to make it manifest to the French nation that it would not be borne; that in case of extremities he did not balance for a moment which country he should declare for, that of strangers or his own.

Mr. A. said, he himself did not believe there was any chance of war. The French could have no pretext for it, and as little interest or desire to drive us to that alternative. As this kind of threat, he doubted not, was to answer a certain purpose, and was timed at the very moment when it was expected to fix it, when that business had passed over, he supposed we should hear no more of war. We may suffer many wrongs and depredations on our trade, said Mr. A., but this country will seek redress, not by war in the first instance, but by negotiation as before. These were ideas which appeared to him very necessary to express, and which he considered it his duty to advance. Whatever be our Government, said he, whether perfect or not, we are bound to support it; and not, at such a period, to speak of injuries and evils which are not derived from the neglect or providence of our Government, and therefore ought not to chill the ardor of our zeal for its support. They are not true; but if they were, they should now be kept out of sight. Mr. A. concluded with an apology for having said so much, as it was well known he did not propose to speak often; he intended to have said but little, and hoped the Committee would see that he had been personally called upon, and therefore would excuse him.

Mr. GILES said, the gentleman from Massachusetts [Mr. AMES] had charged him with improperly exposing the weakness of our country. The French Directory, said Mr. G., knows the situation of this country, as it respects our commerce, better than I do. There are circumstances in the United States as well known to them as to any gentleman in this House. He deprecated war, and he spoke of the disadvantages we should labor under, that gentlemen may be cautioned against it. He begged the gentleman to look back upon the very brilliant remarks he made the last session, on the power of Great Britain, and how unable the country was to meet them. Mr. G. then thought war much less probable than now; he then begged us not to provoke a war. With respect to the probability of a rupture with France, he wished gentlemen seriously to consider. It was a well known fact that the powers of their Minister were suspended: this, it was insinuated, was to have an influence on a certain election. This, he thought, was too improbable to be imagined. No man can be at a loss to conjecture at present, and we can with safety venture on the remark, that things begin in earnest to take a serious aspect. When, he would ask gentlemen, did they see this country placed in so critical a

situation as at present with the French Republic? The time when that gentleman saw danger of a war, had not so serious an appearance as the present: the British Minister was not then recalled, nor his functions stopped. From the revocation of the British edict of the 6th November, he never thought there was danger of a war with that nation. But, he said, he felt serious danger with respect to France at this time.

The gentleman from Massachusetts [Mr. AMES] had alluded to information from Paris. If he supposed there was any other than communications between individuals, he was mistaken. Mr. G. said he had lately seen a friend from that country, a man well informed, who had given him information of affairs there, and who assured him that they were much offended at the British Treaty. Much had been said about improper correspondence with France, but he did not know of anything treasonable in this connexion. He believed some gentlemen had had idle dreams a great while; they are the wild phantoms of those gentlemen's imagination; ideas, merely the fabrication of visionary and prejudiced minds.

Mr. KITCHELL thought we had given a very good proof that we are not the most enlightened people in the world, by this discussion; and if we declare to the world that we are, that declaration will be a still more glaring proof. It appeared to him quite unnecessary; he thought it spending a great deal of time to no purpose; it was not important enough for that waste of time, when the session was to be so short; he therefore wished the question to be put.

Mr. SITGREAVES agreed that a very useless and improper latitude had been assumed in the discussion, and he thought that a few moments would not be misspent in recalling the attention of the Committee to the real question before them. The assertion that we are the freest and most enlightened nation in the world was found fault with, and while some gentlemen moved to strike it out altogether, others proposed to qualify it in different ways. Mr. S. believed that, in any modification of the expression, the criticism was in itself extremely unimportant; and if, as some gentlemen had treated it, it was a mere question of decorum, he should feel perfectly indifferent whether it was rejected or retained. But when he heard one member deny that we are the most free, and another that we are enlightened; and most especially when he heard that the expression was contended to be improper in relation to the acts and the administration of the Government, he confessed it did appear to him to be of some consequence not to part with the expression, lest, by doing so, the House should give countenance to these objections. For his own part, he believed the proposition to be true; he conceived the word "enlightened" as applicable to political illumination, and not to our rank in arts, sciences, or literature; and he considered the sentence as equivalent to an assertion that we enjoy the most enlightened system of political freedom extant. In this view of it, he thought it literally true; and, if true, he could not discern the indecorum of declaring so on the

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present occasion. He was strongly impressed with the propriety of the idea which he had suggested yesterday, that this should be considered as an act of intercourse purely domestic, an expression of self-gratulation on our superior happiness, which, by the forms of society, ought not to be noticed by any other nation. We may be deemed, without too bold a figure, to be speaking in soliloquy; and to listen to what we say would be no better than eaves-dropping: the indecorum would rest with those who overhear us, and not with ourselves. It could not be denied that such a belief of the superiority of our political situation ought to be cherished among us. If we did not believe it, we should take shame to ourselves, because our Government is the work of our own hands. If the belief that we are free and enlightened is valuable, the expression of it is also valuable, because it tends to preserve us so; it is a sentiment which we cannot dwell upon too much.

But, he contended, the propriety of this or any other expression could not be justly estimated by considering it in the abstract—it ought to be viewed in its application and use. We are about to lose the services of the PRESIDENT, who is admitted on all hands to have been an useful and patriotic officer. The House of Representatives are desirous that he should take with him to his honorable retirement the only reward which the nature and spirit of our political institutions admit of—the approbation of his country. It will surely be admitted that we ought to give to the expression of this approbation all the value of which it is susceptible; and it is obvious, from the slightest perusal of this paragraph in the Address, that the words in question give to it all its force and energy, and that without them, it would be an unmeaning compliment. The spectacle of a nation, neither free nor enlightened, offering to its first Magistrate the tribute of approbation and applause, would neither be “novel nor interesting.” Since the days of history are stained with numberless instances of prostituted praise and courtly adulation; but when it is the voluntary homage of a free and enlightened people, offered with sincerity to an illustrious fellow-citizen, it is truly a precious reward for patriotic labors. Those who object to this expression, therefore, ought to move to strike out the whole paragraph. To reject the words would totally defeat the intended compliment; to qualify them would spoil it. Mr. S., therefore, wished to retain them as they were reported.

Mr. THATCHER said, he did not think the object of the present question of much consequence, nor did he care much about it; however, he would wish to see the members more unanimous on the subject; he would, therefore, propose an amendment, which he thought would have some tendency towards it, which was to leave out the superlative, and let the passage read, “The spectacle of a free and enlightened nation.”

Mr. HENDERSON commended the ingenuity of the last motion, as he thought it would more concentrate the ideas of the members. He would vote for it.

Mr. CHRISTIE’s motion was then put, and negatived.

Mr. THATCHER’s motion was put, and passed in the affirmative.

Mr. LIVINGSTON asked, if it would be in order to make a motion on any part of the Address on which no question has been taken?

The Chairman answered yes.

Mr. LIVINGSTON then moved to strike out the words, “Tranquil prosperity with the period,” and insert, “Present period with that.” He said he had two reasons for wishing this motion might prevail: 1. He objected to it because the sentiment was not just; and, 2. Because the form of wording it did not please him. He could not say this was a time of tranquil prosperity. Were he to do so he should mock the misery of his constituents, whose distresses were so evident. Could he so speak when he saw trade on the decline, and commerce ruined; embarrassments which conspire against the assertion; and, while he saw an impropriety in that declaration of our tranquility and prosperity, he could not compare our misery and wretchedness to the nations in Europe, involved in war, with which the comparison is drawn. He thought, therefore, that the language of the Address might be retained while it drew consolation from that view, although it is not perfect tranquility and prosperity. The other objection he had to the passage was the wording of it, which he should not have thought of so much consequence as to have grounded a motion on it alone, but it appeared in so close connexion with the amendment proposed that he included it. He thought there was an inaccuracy to compare “tranquil prosperity” to “period.” How tranquility could be compared with a speck of time, to a period, he knew not. He doubted not the impropriety of the present expression would appear evident. He hoped, notwithstanding that tenacity on mere wording, which had been so adhered to by some gentlemen in the course of the debate, that all would agree in the Address. He should be extremely hurt could he conceive that we differed in an expression of gratitude and admiration to that great man. While he was desirous to express this, he could not do it at the expense of his feelings or principles. The former he might sacrifice, but the latter he could not to any man. He hoped, in all his proceedings, to attend strictly to principle. He said, he made these observations to make room for another motion tending to this subject, when this was dispensed with.

The amendment was put and carried—42 affirmative, 37 negative.

Mr. LIVINGSTON then moved to strike out the words from the next paragraph, “Wise, firm, and patriotic Administration,” and insert in their place, “Your wisdom, firmness, and patriotism has been.” He could not say that all the acts of the Administration had been wise and firm; but he would say, that he believed the wisdom, firmness, and patriotism of the PRESIDENT had been signally conducive to the success of the present form of Government. He was willing to give him every mark of respect possible, but he be-

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lieved some of his public acts of late rendered the present motion necessary.

Mr. W. SMITH opposed the amendment, as he thought the gentleman who proposed it conceived the words to imply more than was meant by them—they are not meant to include every act of the Executive. He thought that the Administration in general had been wise, firm, and patriotic; that the wisdom and firmness of the PRESIDENT had been conducive to the success of the present form of Government. Had not the words been put in the reported Address, he thought it would not have been of consequence whether they were ever inserted; but the difference is very great. Now they are inserted they are made public, and, to erase them now, and substitute words in any manner deficient in sentiment to them, would be to carry censure and not respect. That the Administration of that valuable man had been wise and conducive to the good of this country, will not admit of a doubt; and for us to rob him of that honor which is his due, would be insult. And any thing short of the words in the Address he thought would not carry a proper mark of respect.

Mr. GILES observed, that he thought the Administration had been very deficient in wisdom. Many gentlemen, he said, were very particularly opposed to the British Treaty and to the great emission of transferable paper. Could it then be supposed these gentlemen could, in this instance, so change their opinion? The gentleman last up had said, that because the words were in the reported Address they ought not to be struck out. He thought that the House had now as much power to act as though the committee had made no report. He thought they ought not in any way to be influenced by the report of the select committee, but act as though they had to form the Address themselves. He believed that the PRESIDENT possessed both wisdom and firmness. He was willing to compliment the PRESIDENT as much as possible in his personal character, but he could not think it applicable to his Administration. He thought the amendment proposed would meet his concurrence, and he hoped it would be agreed to.

Mr. GILBERT hoped and presumed that the motion of his colleague would not obtain. He understood that the House addressed the PRESIDENT in answer to his Speech, always as a public man, and not in his private capacity. How extraordinary, then, will it appear in this House to refer only to his private conduct! It is, in substance, complimenting him as a private man, while the very words reprobate him in his public station. We are now to address him as PRESIDENT OF THE UNITED STATES. We may tell him of his wisdom and his firmness, but what of all that unless we connect it with his Administration?

Mr. CRAIK said, the gentleman from Virginia [Mr. GILES] seemed to think the matter very immaterial whether the discussion on this Address took place in a Committee of the Whole or in a select committee. In his view it was an object of the first magnitude, however gentlemen may

think proper to declare on it in point of form. It was now made public, and it would have considerable effect on the people at large. This report, and all the discussion on it, will be published in the papers. Much has been said in this debate against the Chief Magistrate. The principal reason urged for striking out the expressions in question, was grounded on the opinion that some of the PRESIDENT's administration had not been wise or firm. Some object to them on the ground of the British Treaty, some on account of the emissions of transferable paper. If the amendments proposed are adopted, it will readily be taken that the PRESIDENT's conduct has not been wise, firm, nor patriotic; for if we take it from his public character, it will be to very little purpose to give it him in his private, as we address him as a public man. He thought he had displayed in his public as well as private character wisdom, firmness, and patriotism. And were there, he asked, a majority in that House who would agree to a tacit reflection on the PRESIDENT's Administration, while they were willing to compliment him as a private character? It was justly observed, by the gentleman last up, that the form of the motion would rob him of his good name as a public officer. Mr. C. said, he sincerely felt, as he hoped a great majority in that House felt, a sincere sense of gratitude due to that character, and a desire to express his unequivocal opinion of approbation and respect for the PRESIDENT's wise, firm, and patriotic Administration.

Mr. ISAAC SMITH.—The sin of ingratitude is worse than the sin of witchcraft; and we shall damn ourselves to everlasting fame if we withhold the mighty tribute due to the excellent man whom we pretend to address. Posterity, throughout all future generations, will cry out shame on us. Our sons will blush that their fathers were his foes. If excess were possible on this occasion, it would be a glorious fault, and worth a dozen of little, sneaking, frigid virtues. I abhor a grudging bankrupt payment, where the debtor is much more benefited than the creditor. The gentleman from Virginia misrepresents his own constituents—I am sure he does all the rest of the Union. On the present occasion we ought not to consult our own little feelings and sensibilities. We should speak with the heart and in the voice of millions, and then we should speak warm and loud. What! "Damn with faint praise;" and suppress or freeze the warm, energetic, grateful sensations of almost every honest heart from Maine to Tennessee! I will not do it! Every line shall burn! This is a left-handed way of adoring the people.

Mr. DAYTON (the Speaker) said, the motion then before them was of great importance, and every man who thought favorably of the PRESIDENT's Administration should there make a stand. For, if the words were struck out, it would convey an idea to the world that it was the opinion of that House that the Administration of the PRESIDENT had neither been wise nor patriotic. Gentlemen might very well concur in the Ad-

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dress in its present form, who did not think that every single act of the PRESIDENT had been wise and firm, since it was his Administration in general which was referred to, and not each individual act. He hoped, therefore, the amendment offered would be decidedly opposed, and that the words proposed to be struck out would be retained.

Mr. PAGE thought that Mr. LIVINGSTON'S amendment properly confined the compliment to the PRESIDENT. Without it that compliment would be extended to all those that had any share in the administration of the Government of the United States. Senators, Representatives, and Heads of Departments must share it with him. Mr. P. was willing to give credit to the PRESIDENT for his wisdom, firmness, and patriotism, of which he had seen sufficient proofs in the course of his Administration; but he conceived that, after what had been said, with too much warmth on both sides, that there was no propriety in using expressions in the Address which can possibly convey an idea that the House meant to compliment the wisdom, firmness, and patriotism of any other man. Mr. P. looked upon the amendment as conciliatory, and as conveying the true meaning of the Committee of the Whole. He was not willing to censure the PRESIDENT for following advice which he had thought constitutionally binding on him. He was as much unwilling to give others credit for his virtues.

Mr. HEATH said, gentlemen seemed to have various opinions and to entertain very different ideas about the manner this Address would apply to the PRESIDENT. It appeared to him that the manner in which the Address now stood could not possibly involve any difficulty. He did not see the amendment of the gentleman from New York [Mr. LIVINGSTON] would any way answer the purpose of the Address; it would not be attended with sufficient force to convey the respect necessary on the present occasion—applying only to the private character. The wording, he said, would not appear well according to the amendment. After the words, “present form of Government,” the words would be altered to refer entirely to the public character of the PRESIDENT. He liked the phraseology of the Address as reported much better than the amendments, and he hoped they would remain without alteration.

Mr. W. LYMAN did not think it so unimportant as some gentlemen who had spoken on the subject, whether the words be introduced or not. As the words related to an applause of the Government, he should vote for the amendment. It was desirable, he said, to keep out of view, as far as possible, any difference of opinion on such subjects; but, since it was brought into view and discussed, he should, with other members, speak his opinion. He never should abandon his sentiments till he was convinced they were wrong. If we insert the original words in the Address it will be giving our general approbation to the public conduct of the PRESIDENT, while it makes impression on the minds of the people that the opinions of many of us who have disapproved of adopted measures are changed. If this clause goes into the Ad-

dress, and we do not speak our opposition to it, it will be telling the world that we were wrong in our former ideas of those measures. He must think, in many instances, the PRESIDENT had done wrong. He did not pretend to arraign his motives; they were probably pure. He thought he had misjudged. When called upon by this House to deliver up the papers, at the last session, relative to the negotiation of the Treaty with Great Britain, and he refused, he believed, in withholding them, he did wrong. He thought he misjudged in sending an Envoy to England to negotiate, and through the whole business of the Treaty.

This was his opinion at that time, and he never had changed it, nor should he ever change it until he saw reason so to do. Now, sir, said Mr. L., am I to tell the world that I approve the measures of that man while I declare these opinions? Such an assent would prove my instability and weakness. I am willing to acknowledge that I believe the PRESIDENT possessed of as much wisdom, firmness, and patriotism as any man, but cannot believe it has dictated his Administration. I believe he has been very serviceable to the formation and support of the present form of Government. If the adulation were to be stretched further than this acknowledgment it would become bombast.

How gentlemen who had disapproved of many of the former measures of the Executive could now vote for their general approbation he was at a loss to account. He did not, like many members, think it immaterial whether the words were used or not. He thought if the original passed it would prove many of their former acts were wrong. Is any gentleman convinced he was wrong in opposing these measures? If so, let him say so, let him manifest it; but, if he was then right, he must now be wrong if found approving the conduct of the Government. Every day proves that these measures were unwise; and, with this evidence, he should vote for the amendment.

Mr. GALLATIN thought the words objected to were conceived to mean more than they really did mean by gentlemen who supported the present motion; nor could he conceive how the words “firmness and patriotism,” proposed to be inserted, could apply to any thing but the public character of the PRESIDENT. On the first view of the Address, Mr. G. said, he thought with the gentlemen from New York and Virginia, and it was not without considerable hesitation that he brought himself to agree to this part of the Address. He found, however, on further examination, that they did not go so far as he at first thought they did. Had they approved of every measure of the PRESIDENT OF THE UNITED STATES, he should have voted against them. But, in the first place, he would observe, that his Administration did not include Legislative acts; so that whatever evils had arisen from the funding or banking systems were not to be charged to the PRESIDENT. They did not mean to pay compliments to themselves but to the PRESIDENT: there-

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fore, the words in question related only to the Administration of the PRESIDENT alone, and not to those officers of State which had been supposed by some gentlemen. The first question was, then, whether that Administration had been marked with wisdom, firmness, and patriotism? And, he would briefly say, so far as related to the internal situation of the country, it had borne these marks. He did not recollect any instance where he could say here was any want of wisdom, or there of firmness or patriotism. If they proceeded to foreign affairs, a great number of members were found (he for one) who wished that certain acts had not taken place; and, if he thought, in giving approbation to this Address, he was approving of these measures, he would certainly vote against it. But, as the gentlemen from South Carolina and New Jersey [Mr. SMITH and the SPEAKER] had observed, as the approbation went to the Administration in toto, it had respect to no particular act. Nor did he believe the literal sense of the words would apply to the business of the late Treaty. [He read the words.] The most clear meaning of these words related to the present Government and Constitution; and the word "success" could apply to those parts of Administration only which had had time to be matured. He did not believe that at the present period it could be said that the Treaty with Great Britain had been successful, and, therefore, could not be included within the meaning of the expression. Not meaning to pledge an approbation of that act, and not conceiving that the sentence could have such a meaning, he would vote against the proposed amendment, and for the original.

The question was put on the amendment and negatived. The Committee then rose, reported the Address with the amendments, when the House took them up, and having gone through them—

Mr. SITGREAVES wished to know at what time it would be in order to move an amendment in the fourth paragraph of the Address. On being informed by the SPEAKER that he might do it as soon as the report of the Committee of the Whole should be gone through with, Mr. SITGREAVES then observed that some gentlemen had thought that the Address as reported by the select committee had not sufficiently expressed our earnest desire to preserve peace and restore the harmony which had heretofore subsisted between America and France; and an amendment had accordingly been proposed yesterday to give additional emphasis to this sentiment. As no gentleman on the floor could estimate more highly than he did the blessings of peace, or more sincerely wish for its preservation, he felt no disposition to object to an expression of this sentiment in language the strongest that could be devised; and therefore he had acquiesced in the amendment which had been proposed, although he thought the Address was well enough before. But, he said, there was another sentiment of at least equal importance, which ought on all occasions to be the inseparable companion of the other, and which ought always to be as unequivocally and as emphatically expressed, to wit: the determination to respect our own

rights, and to maintain our own character, in case the restoration of harmony between the two countries should, from any untoward circumstances, be rendered impracticable, without a sacrifice of the one or a violation of the other. These two sentiments, he contended, should, on no possible occasion of difference among nations, be disunited; they should always appear side by side, and have equal height and equal breadth. And since an amendment had prevailed to give additional size to one of them, he made the present motion with a view to restore the equilibrium. He presumed it would not meet with any opposition, because the sentiment was right and just in the abstract, and because the expression of it was proper to give aid and countenance to the Executive in any existing negotiations. But, if gentlemen would recur to what had been advanced by the gentleman from Virginia, [Mr. GILES,] who had moved the other amendment, the propriety of the present one would strike them with irresistible conviction. That member, who professed to speak with a competent knowledge of the subject, and from sources on which he could place perfect reliance, had declared that whatever ignorance might be affected by us, or whatever ostensible grounds might be assigned, the whole dissatisfaction of the French Republic might be resolved into a resentment at the Treaty lately concluded with Great Britain; and that for this reason they have violated the positive stipulations of our Treaty with them—have ordered their cruisers to make depredations on our commerce, and have suspended the amicable functions of their Minister here. Mr. S. next adverted to what is said by Mr. Adet, who, in his note to the Secretary of State, declares that these evidences of a well-founded dissatisfaction "are to last until the Executive of the United States returns to sentiments and measures more conformable to the interests and friendship of the two nations." On this combined view of the subject, if the statement made by the gentleman from Virginia was correct as to their discontents, and if the menaces of the Minister were to be relied on as to their continuance, Mr. S. said he was apprehensive the negotiations could not end amicably. On such terms, he was very free to confess that he did not wish they should end amicably. If peace and friendship with the nation of France was only to be preserved by an abandonment of a compact recently made with another nation, by a sacrifice of our independency and free agency, he did not wish on such terms to preserve peace with them. He could never consent to deliver up our honor and our rights to any nation on earth; and on such a condition he did not think the friendship of any country was worth the purchase. He thought it of importance to discountenance any expectation that such an abandonment of our national rights and dignity could be at all suffered, and that we should speak on the occasion a language equally distant from defiance and submission, but which could not be misconceived or misunderstood.

He observed, further, that the French Minister had affected to draw a line between our Government and our people, and to insinuate that the acts

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of the one were not in unison with the feelings and wishes of the other. Such a mistake ought, by all possible means, to be corrected; and it behooved us to declare, beyond the hazard of misconstruction, that whatever differences of opinion might have prevailed among ourselves with respect to any measures of the Administration, we should nevertheless all unite in one sentiment of self-respect, and of inviolable determination to resist aggressions and insults from abroad. We owed it to ourselves and our country to accompany our sincere desire for peace and harmony with the unequivocal assertion of regard to our national dignity and independence.

He moved, therefore, to strike out the words from "while" to "countrymen," and to insert at the end of the paragraph the following: "At the same time we assure ourselves that your just confidence in the fortitude, self-respect, and patriotism of our citizens will not in any event be disappointed, and that they will on no occasion forget what is due to the character and dignity of our Government and country."

Mr. S. said, before he laid the amendment on the table, he would just observe that the Address as reported by the select committee had been, as was stated by the Chairman, [Mr. AMES,] the result of accommodation and compromise in the committee; and if the draught had been acquiesced in by others, he would not have desired to disturb it. It would have been more agreeable to him, however, if something like the amendment had been adopted there; and now, that additional force had been infused into the expression of one sentiment, he conceived he was every way justifiable in attempting to express the alternative with equal emphasis.

Mr. NICHOLAS said, he took it for granted the gentleman just sat down understood the meaning of his own motion better than he did. He had stated that we would aid the Executive in any negotiations he may undertake. He was not willing to do this. He had avoided saying anything in the course of the debate on the present dispute between this country and France. He was even silent when he heard insinuated that the misunderstanding between the two countries was fomented by American citizens in Paris. He had meant, indeed, at some future time, to have asked the gentleman who made the assertion, for the ground of his information, as he doubtless knew the circumstance of which he spoke so confidently to be on a good foundation. He had avoided speaking on that subject, because it was not right to enter into things in that state concerning a nation with whom we were about to be involved. He thought the expression singular and imprudent. He considered the dispute with France as not yet ripe for discussion. The PRESIDENT has told us he reserved this subject for a future communication. He said he had very little information on the subject himself; he had not yet even read the French Minister's note, having been but few days in the city. He said he was charged by his constituents to do what was right; and was he to pledge himself to support what the Executive should do? He had

no doubt but the PRESIDENT would conduct himself so as to settle matters amicably with that Republic; but he should think himself unpardonable to pledge himself to anything he did not know. He thought their proceeding very extraordinary. He however thought a rule of this House would afford a remedy, which was, by calling for the previous question. He therefore moved the previous question.

Mr. HARTLEY said he feared the House was exposing these things too much, as it would find its way into every newspaper. He thought the House not called upon to enter into it so far as the motion of his colleague went. Great care, he said, should be taken in entering into business of this kind, in its unripe state. Probably the PRESIDENT was now adjusting the matter amicably; and particularly at this time we ought not to take any steps that have the least appearance to invite contention with that nation, or any one upon earth. This subject is not before the House now. He wished as much as that gentleman for information on the subject; but as information was not sufficiently before the House, he should think it more wise to be satisfied till it came in its proper course. He therefore hoped the gentleman would not force his motion upon the House, but withdraw it. When there seemed to be a disposition in this House to be unanimous, he hoped it would not be disturbed by such a motion. They had a delicate part to act, and he hoped they should not do any action for which they would have reason to blame themselves hereafter.

This nation, he said, had difficulty enough to keep out of broils. The world were now armed at all points, and we are not. If war was declared against France, he hoped it would be done unanimously.

On the motion of a member, the clause was read as amended.

Mr. BAILEY called for the yeas and nays, and, on division, 25 members appeared in the affirmative.

Mr. SITGREAVES was very sorry that his motion should cause anything like alarm in the mind of his colleague, and was still more at a loss to conceive on what it could be founded. The amendment which he had proposed did not convey the most distant implication of hostility; yet his colleague seemed to think so, when he talked of a declaration of war. Mr. S. had taken pains to express, very unequivocally, his earnest desire that peace and harmony should be preserved, if possible, consistently with our national honor—and could not help wondering at his having been so much misconceived. His colleague had said they should wait for information. Mr. S. did not know what information was wanted, or could be necessary, before the adoption of his amendment: it was not of a nature to require any. The PRESIDENT had stated that circumstances of a disagreeable complexion had occurred in our relations with the French Republic. He had expressed his regret at these differences, and his desire to cultivate peace and a good understanding; but he states further, that in doing this, he shall not forget what is due

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to the character of our Government and nation. These sentiments, which ought eternally to be combined, the PRESIDENT had not separated: why then should they be separated by the House? The amendment proposed to go no further than the PRESIDENT had done; it repeated his language, and contained nothing more than an assurance of that support which the Executive was entitled to receive from the Representatives of the people. It contained not a single expression that could justly be deemed irritating or offensive to the French or any other nation; and any idea of that kind must arise out of the gentleman's own feelings, and not from anything in Mr. S.'s proposition. He was so perfectly satisfied with the expediency of holding a language at once moderate and firm on this occasion, that he could not consent to withdraw the amendment; and was glad that the yeas and nays were called, which he should have done himself, if it had not been done by others. He was solemnly impressed that the sentiment could not be disavowed without a sacrifice of national honor, and that the circumstances of the times demanded the declaration of it.

In reply to the gentleman from Virginia, [Mr. NICHOLAS,] he said that the amendment could not be considered, but by a most distorted construction, to pledge the House to the support of any specific measures, or of all the measures which might eventually be adopted by the Executive; it pledged them only to such a conduct as circumstances might render proper for a preservation of our character and independence as a nation; and this pledge, he hoped, would never be abandoned or forgotten.

Mr. CLAIBORNE hoped the question on the amendment would not be taken at all. Will this, he asked, be a paper fit to put into the hands of our negotiator, in this time of danger, to authorize him to say to the French nation, If you will not be satisfied with our conduct, we are not disposed to accede to any other terms? That gentleman's motion, he said, surely carried an extremely hostile aspect: he thought such language would have a bad effect. We ought not to pretend to negotiate with a sword in our hand. Men did not like to negotiate with a dagger at their breast. He hoped no question would be taken on words that must tend to hostility, but that we should take every means towards the preservation of peace with the French Republic.

Mr. GILBERT could see nothing in the question that had the least hostile appearance—nothing that alluded to a declaration of war. He was surprised how gentlemen could so interpret the motion. He thought it would be very unbecoming in a nation to talk of negotiation without that patriotism which tends to prevent incroachments. He thought these ideas were as closely connected with a just national dignity as body and soul. He should support the motion.

The SPEAKER said gentlemen went too far: the previous question was the point to which they must confine themselves.

Mr. W. SMITH wished to know what debate could take place if the members' mouths were to

be muzzled, and prevented from speaking their sentiments: he certainly should speak his, while in order.

The SPEAKER insisted upon the member confining himself to the point of order.

Mr. SMITH said he now rose to express himself on the propriety of adopting the amendment, and against the previous question. Some gentlemen say that the resolution had better not be entered into now. He differed from them in that; he thought if any declaration at all was made, it ought to be now. His reasons were, because we are now answering the PRESIDENT's Speech; and the circumstances which have lately occurred seem to call for such a declaration; and because, in withholding it, we run great risks, inasmuch as we hold out a new idea to the French Government that we are so alarmed by the note of their Minister as to throw ourselves on the justice and moderation of the Republic. He thought there was much need to assert our national dignity, and prove that we do not throw ourselves on the mercy of that nation. Gentlemen have said they have no information on the subject: they surely could not be unacquainted with the appeal of the French Minister to the people of the United States. He thought it was just for the members of that House to speak on the subject. In that Minister's representation to the people, he has said that his nation is offended with ours, and that they will continue so until our Government returns to itself by a change of its conduct. This is the very time, Mr. S. said, for those gentlemen who were convinced that our Government has acted in its proper character—that we have not been changed by any act or threat of the French—this is the proper time for them to come forward and express the full reliance the Executive may have in the co-operation and support of this House. Surely there was no threat in this: the threat does not come from us, it comes from that Republic. The PRESIDENT informs us that he has done all he could towards an amicable settlement of the business, but that, notwithstanding all, they persisted in their complaints. However, he says he shall go on to pursue those measures which may tend to produce harmony; at the same time he shall not forget what is due to our nation. He closes the subject of the communication with the French with that sentiment. And can we avoid expressing our wish that he would do so: at the same time, declaring that he may place a firm reliance in our willingness to support his endeavors? The French Minister is offended on account of the Treaty we have made with Great Britain: he considers that we have violated our neutrality. If he pursues this idea, we must be involved with one or the other of those nations; and while we are in this dilemma, at such a serious period as this, will gentlemen say that it will be improper for us to declare to the PRESIDENT that we will pursue and support the measures of Government? We could do no less. Mr. S. said he thought it necessary to make these observations, in which he had kept himself as much in order (about which we are so hampered) as possible. This, said he, is the proper time to make

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such a declaration, as we may not have another; and he could not see how it was to be avoided at this time. He hoped the amendment would be agreed to.

Mr. HARTLEY wished that part of the Address to be read with the clause proposed for amendment; which was done, and the SPEAKER at the same time read the rule of the House on the subject of order, and begged gentlemen to regard it. Mr. H. then said that he had mentioned to the House some time since that it would be prudent in this House to wait till the expected communication was made before the subject underwent any discussion; that having not been attended to, he should so far deviate from his own ideas as to offer a word on the subject. He was surprised, he said, that the British Treaty had offended the French Minister. Certainly we have a right to form such a Treaty as a majority of the Legislature approves. He was still sorry that the subject had undergone so much discussion at this time, as he thought our present situation so critical that we ought to act with the greatest caution. But, from the new views he had taken of the subject, he should support the motion of his colleague, as their support to the Government was become so necessary.

Mr. HARPER conceived it to be strictly in order to show that the proposed declaration was proper to be passed at this time. If he had a right idea of the previous question, it could not have an effect to smother debate. He should, therefore, go on to state one or two things which he thought important, and he would begin by declaring, that if he believed the resolution went to the pledging of the House to any particular measures they hereafter might see reason to disapprove, he would not only vote for the previous question, but against the motion altogether. If he understood the motion, it went no further than to say, "We join you in wishing to preserve the most sincere amity with the French Republic; but if all means to attain it fail; if it should happen that, notwithstanding all the exertions used, peace cannot be preserved, we shall hold ourselves bound to support you." If gentlemen examined the amendment, they would find it contained no more than this. If this was the declaration, he would ask—

[A member desired to know of the SPEAKER whether Mr. H. was in order? The SPEAKER replied, it was impossible to say how the gentleman meant to apply what he had said. He desired him to go on.]

Mr. HARPER said, it was his intention to show that the main question ought to be taken, and appealed to the feelings of every heart—to those honorable feelings of patriotism which distinguished American citizens—whether this was an improper declaration? If it were improper, he had widely misconceived their duty. He should think it the deepest disgrace to be at any moment free from the operation of these feelings. And, if this sentiment was honorable, he said, there could not be any occasion in which it would be improper to express it to other nations, declaring that we will guard the rights of our nation, preserving peace in

possible; but that in the other alternative we fear not to support our Government. He knew of no situation in which it would be improper to express these sentiments. Are we, according to the sentiments of some gentlemen, to say to the American people, that we will use all honorable means, and if that will not do, that we will act dishonorably? Mr. H. said, if he believed all that had been said of our inability, of that submissive spirit which had been spoken of, he would join with gentlemen in their opinion. So weak, so out-cast a set of men should not disgrace such sentiments by uttering them. But he believed they should do right to utter them—

[Mr. W. LYMAN called Mr. HARPER to order.]

The SPEAKER said the gentleman was out of order. Mr. H. was about to go on, but the SPEAKER informed him he could rise only to explain. The question was here put, whether the member might rise to explain? Fifty-four members appeared in the affirmative—it was carried. [The SPEAKER read the rule on this subject, observing that it was with pain he was forced to declare the member out of order.] Mr. HARPER rose, and the SPEAKER wished to know whether he appealed from the decision of the Chair to the House? He answered in the affirmative; and, on leave being given, he explained to the House, that he meant to show that the main question ought to be put, as a proper declaration to be made at this time. He complained of this strictness against him, which was closing his mouth on an important question; he however submitted to the House. The sense of the House being taken, he was declared out of order—50 votes being against him; he then sat down.

Mr. VENABLE expressed his surprise that any member should have so persisted in forcing himself in this way upon the House in contradiction to the will of the members, the injunctions of the SPEAKER, and the express rules of the House.

Mr. W. SMITH wished to know who had made this gentleman [Mr. V.] a censor on the business.

The previous question was then called for by five members, viz: "Shall the main question to agree to the said amendment be now put?"

It passed in the negative—yeas 30, nays 49, as follows:

YEAS.—Fisher Ames, Theophilus Bradbury, Joshua Coit, William Craik, James Davenport, George Ege, Abiel Foster, Dwight Foster, Ezekiel Gilbert, Henry Glen, Chauncey Goodrich, Roger Griswold, Robert Goodloe Harper, Thomas Hartley, William Hindman, Samuel Lyman, Francis Malbone, John Reed, Samuel Sewall, Samuel Sitgreaves, Nathaniel Smith, Isaac Smith, William Smith, Zephaniah Swift, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Allen, Peleg Wadsworth, and John Williams.

NAYS.—Theodorus Bailey, Abraham Baldwin, David Bard, Thomas Blount, Nathan Bryan, Gabriel Christie, Thomas Claiborne, John Clopton, Isaac Coles, Henry Dearborn, George Dent, Jesse Franklin, Nathaniel Freeman, jr., Albert Gallatin, William B. Giles, James Gillespie, Nicholas Gilman, Christopher Greenup, Andrew Gregg, William B. Grove, Carter B. Harrison, Jonathan N. Havens, John Heath, Thomas Hen-

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derson, James Holland, Andrew Jackson, George Jackson, Aaron Kitchell, Edward Livingston, Matthew Locke, William Lyman, Samuel Maclay, Nathaniel Macon, James Madison, Andrew Moore, Frederick A. Muhlenberg, John Nicholas, John Page, Josiah Parker, John Patton, John Richards, John S. Sherburne, Israel Smith, Richard Sprigg, jr., William Strudwick, John Swanwick, Philip Van Cortlandt, John B. Varnum, and Abraham Venable.

The amendment of Mr. SITGREAVES was therefore laid aside.

Mr. BLOUNT then moved to strike out the following clause in the last paragraph: "For our country's sake, for the sake of Republican liberty, it is our earnest wish that your example may be the guide of your successors; and thus, after being the ornament and safeguard of the present age, become the patrimony of your descendants."

And on the question thereon, it passed in the negative—yeas 24, nays 54, as follows:

YEAS.—Theodorus Bailey, David Bard, Thomas Blount, Gabriel Christie, John Clopton, Isaac Coles, Albert Gallatin, William B. Giles, Christopher Greenup, John Heath, James Holland, Andrew Jackson, George Jackson, Edward Livingston, Matthew Locke, William Lyman, Samuel Maclay, Nathaniel Macon, Andrew Moore, Josiah Parker, John Patton, John Swanwick, Joseph B. Varnum, and Abraham Venable.

NAYS.—Fisher Ames, Abraham Baldwin, Theophilus Bradbury, Nathan Bryan, Thomas Claiborne, Joshua Coit, William Craik, James Davenport, Henry Dearborn, George Dent, George Ege, Abiel Foster, Dwight Foster, Jesse Franklin, Nathaniel Freeman, jr., Ezekiel Gilbert, James Gillespie, Nicholas Gilman, Henry Glen, Chauncey Goodrich, Andrew Gregg, Roger Griswold, William B. Grove, Robert Goodloe Harper, Thomas Hartley, Jonathan N. Havens, Thomas Henderson, William Hindman, Aaron Kitchell, Samuel Lyman, James Madison, Francis Malbone, F. A. Muhlenberg, John Nicholas, John Page, John Reed, John Richards, Samuel Sewall, John S. Sherburne, Samuel Sitgreaves, Nathaniel Smith, Israel Smith, Isaac Smith, William Smith, Richard Sprigg, jr., William Strudwick, Zephaniah Swift, George Thatcher, Richard Thomas, Mark Thompson, John E. Van Allen, Philip Van Cortlandt, Peleg Wadsworth, and John Williams.

On the question being about to be put on the answer as amended, Mr. BLOUNT wished the yeas and nays might be taken, that posterity might see that he did not consent to the Address.

The main question being put, it was resolved in the affirmative—yeas 67, nays 12, as follows:

YEAS.—Fisher Ames, Theodorus Bailey, Abraham Baldwin, David Bard, Theophilus Bradbury, Nathan Bryan, Gabriel Christie, Thomas Claiborne, John Clopton, Joshua Coit, William Cooper, William Craik, James Davenport, Henry Dearborn, George Dent, George Ege, Abiel Foster, Dwight Foster, Jesse Franklin, Nathaniel Freeman, jr., Albert Gallatin, Ezekiel Gilbert, James Gillespie, Nicholas Gilman, Henry Glen, Chauncey Goodrich, Andrew Gregg, Roger Griswold, William B. Grove, Robert Goodloe Harper, Carter B. Harrison, Thomas Hartley, Jonathan N. Havens, John Heath, Thomas Henderson, William Hindman, George Jackson, Aaron Kitchell, Samuel Lyman, James Madison, Francis Malbone, Andrew Moore, Frederick A.

Muhlenberg, John Nicholas, John Page, Josiah Parker, John Patton, John Reed, John Richards, Samuel Sewall, John S. Sherburne, Samuel Sitgreaves, Nathaniel Smith, Israel Smith, Isaac Smith, William Smith, Richard Sprigg, jr., William Strudwick, John Swanwick, Zephaniah Swift, George Thatcher, Mark Thompson, John E. Van Allen, Philip Van Cortlandt, Joseph B. Varnum, Peleg Wadsworth, and John Williams.

NAYS.—Thomas Blount, Isaac Coles, William B. Giles, Christopher Greenup, James Holland, Andrew Jackson, Edward Livingston, Matthew Locke, William Lyman, Samuel Maclay, Nathaniel Macon, and Abraham Venable.

Resolved, That the SPEAKER, attended by the House, do present the said Address; and that Mr. AMES, Mr. MADISON, and Mr. SITGREAVES, be a committee to wait on the PRESIDENT to know when and where it will be convenient for him to receive the same.

FRIDAY, December 16.

Mr. AMES, from the committee appointed to wait on the PRESIDENT to know when and where he would receive the answer of this House to his Address, reported that he had appointed to receive it at his house this day at two o'clock.

A petition was presented from William Crowley Jordan, of Philadelphia, stating the advantages that may be derived from the culture of silkworms, and the establishment of a manufactory of that kind in this country, which he supposes peculiarly calculated to their improvement. He prays the aid and patronage of Congress. Referred to the Committee of Commerce and Manufactures.

The SPEAKER laid before the House a letter and report of the Secretary of the Treasury, accompanied with estimates of the sums necessary to be appropriated for the service of the year 1797; also, a statement of the receipts and expenditures of the Treasury of the United States for one year preceding the 1st of October, 1796; which were read, and ordered to lie on the table, and, on motion, to be printed.

On motion of Mr. GALLATIN, it was resolved that a standing Committee of Ways and Means be appointed, whose duty it shall be to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House; to inquire into the state of the Public Debt; of the revenue and of the expenditure; and to report, from time to time, their opinion thereon. Mr. W. SMITH, Mr. GILMAN, Mr. MALBONE, Mr. BRADBURY, Mr. N. SMITH, Mr. ISRAEL SMITH, Mr. GREENUP, Mr. GILBERT, Mr. ISAAC SMITH, Mr. GALLATIN, Mr. PATTON, Mr. HINDMAN, Mr. MADISON, Mr. BLOUNT, Mr. BALDWIN, and Mr. A. JACKSON, were appointed to that committee.

J. B. DUMON.

Mr. SHERBURN presented a memorial of Jean Baptiste Dumon, son and heir of J. B. Dumon, late of Beauport, in Canada, praying to be reimbursed certain advances made by the deceased for the support of the Army of the United States, and

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also for losses and injuries sustained in his person and property, by adhering to the American cause during the war.

Mr. GILBERT said, this memorial had been before the House last session, and decided against; he thought if there were not some new circumstances displayed in the case, it could not again be recommitted to the same committee.

Mr. LIVINGSTON hoped it would again come under the consideration of the House, although it was the last session rejected, yet the very peculiar hardship attending this man would apologize for the return of the memorial; besides, he said, it was acted on at the last session in a very thin House, and opposed by a very small majority.

Mr. SHERBURNE said, there had been instances before of petitions which were rejected at one Congress being brought forward at another. He said, last session, when this memorial was called up from the table, he was not present, which was necessary in order to speak on his knowledge of the case; the circumstances attending its rejection at that time, he thought, would allow it again to be presented.

Mr. GILBERT could not place it on the footing of right. He said, it being before that House last session, and not a different Congress, conspired against its appearance now; how far it was right to suffer the same business perpetually to come before the House, he should leave gentlemen to judge.

Mr. HEATH.—I hope, sir, no gentleman within the walls of this House will ever limit the rights of petitions. I hope the doors of this House will never be shut against petitioners. It is probable this case may be somewhat varied, circumstances may appear more clear; I therefore hope it will be acted on. We frequently have the very same case come forward after being rejected, and in the same session, only it has been presented with another face. I hope we shall not be strictly confined within the forms of a petty court of justice. We may act upon a more general, and I hope, more generous scale.

Mr. SWIFT said, he wished the right to be as extensive to petitioners as any person; he believed they should not have the same petition in exactly the same words: when a petition states new facts, it would be well to suffer it to come forward; but to have the same petition come forward time after time, year after year, and be as often rejected, he thought it improper to encourage. It is not to be presumed that the House would change opinions. If it was stated differently, and yet only the same facts remaining as before, he thought it did not change its nature; he did not see any new evidences in this memorial.

Mr. HEATH said no person could charge his memory whether the memorial was the same or not; he wished it to be referred to the committee to examine it; their report would speak to that.

Mr. SWIFT thought they might be compared, and if found the same, reject it; if not, commit it.

Mr. THATCHER did not think the gentleman's reasoning last up was sound. "If the same, reject, if not, refer it." He thought there was no reason

in this, why it should not be referred to the committee. It might be the same petition, and might have been rejected, because it had not proper evidence, but it may now have new evidence in its favor, and there may be good reason to support the claim now, though there was not before.

It was then referred to the Committee of Claims.

Mr. SWANWICK moved the following resolution; which was agreed to:

"Resolved, That all petitions which, during the last session of Congress, were referred to the Committee of Commerce and Manufactures, and not by them reported on, be referred to the present committee on that subject."

CANADIAN REFUGEES

Mr. WILLIAMS moved, that, according to the order of the day, the House resolve itself into a committee on the petition of the Canadian and Nova Scotia refugees.

Mr. PARKER opposed it, on account of going into a Committee on the PRESIDENT's Speech; he said, there were many important points in it which required a speedy discussion.

Mr. WILLIAMS said, these petitions had waited two or three years for the decision of Congress; it would take but a few minutes; he therefore hoped it would be acted on. The motion was lost.

THE PRESIDENT'S SPEECH.

Mr. PARKER moved for the House to go into Committee on the PRESIDENT's Speech.

Mr. THATCHER said, it had been usual for the answer to be presented first: if that had been the practice, it ought to be preserved; however, he thought it not right to take it into consideration until an answer was presented.

Mr. PARKER said, the answer was agreed to, which he thought the same. If, said he, we wait on the PRESIDENT at two o'clock, it will then be too late to take it up, and he thought there was now time enough before that to go through it, as when we adjourn, it will most likely be till Monday; he said some progress would be made before Monday, without loss of time. The session would be so short there was need to improve it all.

The House then resolved itself into a Committee of the Whole.

The Chairman read the PRESIDENT's Speech by paragraphs.

Mr. PARKER moved the following:

"Resolved, as the opinion of this Committee, That provision ought to be made for carrying into full effect the Treaty with the Dey and Regency of Algiers."

Mr. HEATH would be thankful to the mover for information what provision had been made last session, and what deficiency there might be, as he supposed the gentleman had sufficiently acquainted himself with the circumstance.

Mr. PARKER said he could not inform the gentleman; he was no way acquainted with the arcana of the War Office; what had been done, he had no knowledge of. He supposed it would be best to refer it to a committee, and when their report came forward, it would inform the House. He said it was the business of the House to for-

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ward an inquiry into a circumstance, which, to his view, was necessary.

Mr. GILES hoped the resolution would not take effect; he thought we ought not to decide on the merit of the case until the business came before the House; he thought it quite premature. It ought at least to be suspended till we have a knowledge of the proper sum necessary to carry it into full effect. He was not prepared to vote for it.

Mr. BALDWIN said, such a subject ought to be referred to a committee: the Committee of Ways and Means he thought the most proper to examine into it, and report thereon.

Mr. PARKER had no objection to any modification the subject might take, so that it comes before the House.

Mr. SWIFT could not see what the Committee of Ways and Means could do with it; but he thought it the duty of the House to inquire what was necessary to answer that purpose. He meant to vote for the motion.

Mr. PAGE objected to it in point of form. He said a Committee of the Whole could not refer to any other committee. The Chairman informed the members that in the form the question was put, there appeared nothing inconsistent with order.

Mr. SITGREAVES said they ought to wait the arrival of the statement of accounts from the proper Department before any resolution was passed on the subject.

Mr. THATCHER hoped at present the resolution would not be agreed to, as he thought it quite premature; no doubt as the PRESIDENT had made mention of it in his Speech he would make a communication on that subject. It had been unusual to expect a communication till we had answered his Speech: he thought we ought to wait that communication; he will inform the House the sum necessary for that purpose.

On a division, the motion was negatived.

The several resolutions hereafter mentioned, were also agreed to by the Committee; which, having been severally taken up by the House, were twice read, and adopted, viz:

1. *Resolved*, That it is the opinion of this Committee, that an inquiry ought to be made into the state of the Naval equipment, ordered by former acts of Congress; and whether any, and what, other Naval force shall be necessary for the protection of the commerce of the United States, and the support of their flag.

Mr. PARKER, Mr. LIVINGSTON, Mr. HARPER, and Mr. SHERBURNE, were appointed a committee pursuant to the same.

2. *Resolved*, That so much of the PRESIDENT'S Speech as relates to the encouragement of manufactures, be referred to the Committee of Commerce and Manufactures.

3. *Resolved*, That so much of the PRESIDENT'S Speech as relates to the promotion of agriculture, be referred to a select committee; and

Mr. SWIFT, Mr. GREGG, and Mr. BRENT, were accordingly appointed.

4. *Resolved*, That inquiry ought to be made,

whether any, and what, alterations are necessary to be made in the compensations allowed by law to the officers of the United States.

A committee was accordingly appointed, of nine members, viz: Mr. DEARBORN, Mr. DAVENPORT, Mr. WILLIAMS, Mr. HARTLEY, Mr. MURRAY, Mr. PAGE, Mr. FRANKLIN, Mr. BALDWIN, and Mr. A. JACKSON.

5. *Resolved*, That inquiry ought to be made whether any, and what, further measures are necessary to reinforce the existing provisions for the discharge of the Public Debt.

On motion, it was referred to the Committee of Ways and Means.

6. *Resolved*, That inquiry ought to be made into the actual state of the fortifications of the ports and harbors of the United States, and whether any, and what, further provision is necessary on that subject.

A committee of seven members was accordingly appointed for that purpose, consisting of Mr. W. LYMAN, Mr. COLES, Mr. GILMAN, Mr. BALDWIN, Mr. THOMPSON, Mr. PATTON, and Mr. VAN CORTLANDT.

On motion, it was

Resolved, That the Committee of the Whole on the state of the Union be discharged from the consideration of so much of the PRESIDENT'S Speech as relates to the establishment of a National University, and that the same be committed to the committee on the memorial of the Commissioners at the Federal City.

Mr. SITGREAVES moved that the bill to provide for organizing, arming, and disciplining the Militia, presented the 25th of January last, be committed to a Committee of the Whole House; which was carried, and made the order of the day for Monday next.

TREASURY REPORTS,

On motion, it was

Resolved, That the several Reports and statements from the Secretary of the Treasury relative to the annual expenditures of the War Department from the commencement of the present Government to the 31st of December, 1795, to laying and collecting direct taxes among the several States, agreeably to the rule prescribed by the Constitution; and to estimates of the sums necessary to be appropriated for the service of the year 1797; and receipts and expenditures at the Treasury of the United States, for the year preceding the 1st of October, 1796, which were laid before the House this session, be referred to the Committee of Ways and Means.

PETITIONS OF LOAN OFFICERS.

Mr. LIVINGSTON moved that the petition from the Loan Offices be now considered. It appeared by a conversation among the members that this business had been last session referred to the Committee of Claims, but whether reported on or not, the House never took it up, nor was it inserted among the unfinished business. It was then resolved, that the several memorials and petitions of Nathaniel Appleton, Commissioner of Loans

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for Massachusetts; of James Ewing for New Jersey; of William Skinner for North Carolina; of Joshua Green, Richard Duryee, and others, clerks in Loan Offices, presented to the House at the last session, be referred to the committee on the subject of compensation.

ADDRESS TO THE PRESIDENT.

The SPEAKER informed the House that the hour was nearly at hand, which the PRESIDENT had appointed for receiving the Address of the House, in answer to his Speech. The members, in a body, accordingly waited upon the PRESIDENT, at his house; and the SPEAKER pronounced the following Address:

"SIR: The House of Representatives have attended to your communication respecting the state of our country, with all the sensibility that the contemplation of the subject and a sense of duty can inspire.

"We are gratified by the information, that measures calculated to insure a continuance of the friendship of the Indians, and to maintain the tranquility of the Western frontier, have been adopted; and we indulge the hope that these, by impressing the Indian tribes with more correct conceptions of the justice, as well as power of the United States, will be attended with success.

"While we notice, with satisfaction, the steps that you have taken, in pursuance of the late Treaties with several foreign nations; the liberation of our citizens, who were prisoners at Algiers, is a subject of peculiar felicitation. We shall cheerfully co-operate in any further measures that shall appear, on consideration, to be requisite.

"We have ever concurred with you in the most sincere and uniform disposition to preserve our neutral relations inviolate; and it is, of course, with anxiety and deep regret we hear that any interruption of our harmony with the French Republic has occurred; for we feel with you, and with our constituents, the cordial and unabated wish to maintain a perfectly friendly understanding with that nation. Your endeavors to fulfil that wish, and by all honorable means to preserve peace and to restore that harmony and affection, which have heretofore so happily subsisted between the French Republic and the United States, cannot fail, therefore, to interest our attention. And while we participate in the full reliance you have expressed on the patriotism, self-respect, and fortitude of our countrymen, we cherish the pleasing hope that a mutual spirit of justice and moderation will insure the success of your perseverance.

"The various subjects of your communication will, respectively, meet with the attention that is due to their importance.

"When we advert to the internal situation of the United States, we deem it equally natural and becoming to compare the present period with that immediately antecedent to the operation of the Government, and to contrast it with the calamities in which the state of war still involves several of the European nations, as the reflections deduced from both tend to justify as well as to excite a warmer admiration of our free Constitution, and to exalt our minds to a more fervent and grateful sense of piety towards Almighty God for the beneficence of His providence, by which its Administration has been hitherto so remarkably distinguished.

"And while we entertain a grateful conviction that

your wise, firm, and patriotic Administration has been signally conducive to the success of the present form of Government, we cannot forbear to express the deep sensations of regret with which we contemplate your intended retirement from office.

"As no other suitable occasion may occur, we cannot suffer the present to pass without attempting to disclose some of the emotions which it cannot fail to awaken.

"The gratitude and admiration of your countrymen are still drawn to the recollection of those resplendent virtues and talents which were so eminently instrumental to the achievement of the Revolution, and of which that glorious event will ever be the memorial. Your obedience to the voice of duty and your country, when you quitted reluctantly, a second time, the retreat you had chosen, and first accepted the Presidency, afforded a new proof of the devotedness of your zeal in its service, and an earnest of the patriotism and success which have characterized your Administration. As the grateful confidence of the citizens in the virtues of their Chief Magistrate has essentially contributed to that success, we persuade ourselves that the millions whom we represent, participate with us in the anxious solicitude of the present occasion.

"Yet we cannot be unmindful that your moderation and magnanimity, twice displayed by retiring from your exalted stations, afford examples no less rare and instructive to mankind, than valuable to a Republic.

"Although we are sensible that this event, of itself, completes the lustre of a character already conspicuously unrivalled by the coincidence of virtue, talents, success, and public estimation; yet we conceive we owe it to you, sir, and still more emphatically to ourselves and to our nation; (of the language of whose hearts we presume to think ourselves at this moment the faithful interpreters,) to express the sentiments with which it is contemplated.

"The spectacle of a free and enlightened nation offering, by its Representatives, the tribute of unfeigned approbation to its first citizen, however novel and interesting it may be, derives all its lustre (a lustre which accident or enthusiasm could not bestow, and which adulation would tarnish,) from the transcendent merit of which it is the voluntary testimony.

"May you long enjoy that liberty which is so dear to you, and to which your name will ever be so dear: may your own virtues and a nation's prayers obtain the happiest sunshine for the decline of your days and the choicest of future blessings. For our country's sake, for the sake of Republican liberty, it is our earnest wish that your example may be the guide of your successors; and thus, after being the ornament and safeguard of the present age, become the patrimony of our descendants."

To which the PRESIDENT made the following Reply:

"GENTLEMEN: To a citizen whose views were unambitious, who preferred the shade and tranquility of private life, to the splendor and solicitude of elevated stations, and whom the voice of duty and his country could alone have drawn from his chosen retreat, no reward for his public services can be so grateful as public approbation, accompanied by a consciousness that to render those services useful to that country has been his single aim: and when this approbation is expressed by the Representatives of a free and enlightened nation, the reward will admit of no addition. Receive, gentlemen, my sincere and affectionate thanks for this

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signal testimony that my services have been acceptable and useful to my country. The strong confidence of my fellow citizens, while it animated all my actions, insured their zealous co-operation, which rendered those services successful. The virtue and wisdom of my successors, joined with the patriotism and intelligence of the citizens who compose the other branches of Government, I firmly trust, will lead them to the adoption of measures which, by the beneficence of Providence, will give stability to our system of Government, add to its success, and secure to ourselves and to posterity that liberty which is to all of us so dear.

"While I acknowledge, with pleasure, the sincere and uniform disposition of the House of Representatives to preserve our neutral relations inviolate, and, with them, deeply regret any degree of interruption of our good understanding with the French Republic, I beg you, gentlemen, to rest assured that my endeavors will be earnest and unceasing, by all honorable means, to preserve peace, and to restore that harmony and affection which have heretofore so happily subsisted between our two nations; and with you, I cherish the pleasing hope that a mutual spirit of justice and moderation will crown those endeavors with success.

"I shall cheerfully concur in the beneficial measures which your deliberations shall mature on the various subjects demanding your attention. And while directing your labors to advance the real interests of our country, you receive its blessings; with perfect sincerity my individual wishes will be offered for your present and future felicity.

"G. WASHINGTON."

The members then returned to the House, and having resumed their places, the SPEAKER presented a copy of the PRESIDENT'S ANSWER to the Clerk; which he read.

A communication was received from the Secretary of the Treasury, with a statement of the drawbacks paid upon dutiable articles in the years 1793, 1794, and 1795, in pursuance of a resolve of the House on the first of June last. It was ordered to be printed.

MONDAY, December 19.

JOHN HATHORN from New York, and JOHN MILLEDGE from Georgia, appeared and took their seats.

A new member to wit: ELISHA R. POTTER from Rhode Island, in the place of BENJAMIN BOURNE resigned, appeared, produced his credentials, was qualified, and took his seat in the House.

ORGANIZING THE MILITIA.

Mr. W. SMITH said, that the bill to provide for organizing, arming, and disciplining the Militia of the United States, was among the orders of the day. As that business had been a considerable time in hand, he wished it now to be taken up, in order to determine the principle, whether the Militia should be continued upon its present footing, or whether it should be divided into two classes, viz: a select corps and a reserved corps, as contemplated by the present bill. It could undergo any alterations for its improvement that may be necessary without new modifying it. Until this question was decided nothing could be done. For his own part, he said, he was no military man, but

he had made it his business to inquire into the subject, and he found it to be the opinion of those well versed in military matters, that the plan proposed by this bill could not be carried into effect with success. He wished, however, the House to come to the decision. If it was their wish to continue the Militia upon the present plan, and not adopt the plan proposed by the bill, the first clause could be struck out—if this motion should be agreed to, he should then move for the Committee to rise, and a select committee to be appointed to prepare such alterations as may be proper for its general acceptance; this would considerably shorten the business; and as the session would be a short one, the sooner the House went into the subject the better; he therefore hoped the House would resolve itself into a Committee of the Whole on that subject.

The House accordingly resolved itself into a Committee of the Whole, when the first section of the bill was read, which is in the following words:

"SEC. 1. *Be it enacted, &c.*, That, from and after the passing of this act, the Militia of the United States shall be composed of all able-bodied white male citizens of the respective States, resident therein, who shall, respectively, be of the age of twenty years, and under forty years. That the said Militia shall be divided into classes; the first class to be denominated the select corps of the Militia of the United States; the second class to be denominated the reserved corps of the Militia of the United States. The select corps of the Militia of the United States shall be composed of all able-bodied white male citizens, respectively, who shall be of the age of twenty years, and under the age of twenty-five years. The reserved corps shall be composed of all able-bodied white male citizens, respectively, who shall be of the age of twenty-five years, and under the age of forty years: *Provided*, That, in the choice of officers, either of the select corps, or reserved corps, no respect shall be had to the limitations of age aforesaid; the foregoing regulations to be subject, however, to the exemptions hereafter specified."

Mr. SMITH then said that, in order to come at the right method, he should move to strike out the first section of this bill, as above. At the time this bill was under discussion at a former period, there was much opposition to this clause: the great expense it would incur; the great inconvenience and the general embarrassment that would attend it, in drawing a number of industrious people from their business to form companies, were mentioned as great difficulties. He hoped that a select committee would be appointed, who may devise a better scheme than the present system appeared to be. In many States, he said, the Militia was upon a very good regulation; in others, it was upon a very bad one. He hoped, therefore, his motion would be agreed to.

Mr. DEARBORN said, he should second the motion, and with the same view as was expressed by the mover—that the business may be shortened by preventing a long discussion of the several parts, which would waste much time, and take up the whole at once. It appeared to him that the bill would not pass the House, as there were

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many parts of it he thought inadmissible into a Militia system; and, he said, the same objections would be made to them as had been before. The first clause, including the select corps, he said was repugnant to the will of the people, however, to that part of the country with which he was acquainted. He hoped that the clause would be struck out, in order to a recommitment of the bill.

Mr. HARPER believed considerable difficulty and embarrassment may attend the mode of organizing the Militia specified in the first clause of the bill; but he thought it an essential method toward forming a complete military system, which he thought the old way not efficient in; he, therefore, hoped this alternative would be adopted. Which of the two, Mr. H. asked, would the Committee prefer, a complete system, or one which had been found to fail so materially of its object, as the one now used? It is said that this plan will be attended with very considerable expense. He believed any effectual military system would be attended with considerable expense, whether the military necessary for the defence of the country is to consist of several select corps or a standing national establishment, (which was not wished by any,) or whether of the whole body of the people capable of bearing arms, each will be attended with a heavy expense. It has been said, that to draw our youth from their homes and labor to be instructed in military duty, would not only lessen the stock of labor, and, consequently, of national wealth, but be an injury to their morals. The time they were to remain in encampment to learn discipline, would be so short, that he thought the objections of gentlemen on that ground would vanish, if they would consider. It is said that two or three weeks will be enough for this purpose; and that the most convenient time would be in the Fall season; and the same length of time, some other season of the year, would be sufficient. Persons in agricultural lives, it is well known, can, at some seasons, be well spared from their labor, without any particular inconvenience for that short time; and, if that is too long a time, one week will be better than no time; they will be able, even in that little time, to acquire some knowledge of military exercise; thus, Mr. H. supposed, that difficulty was avoided. With respect to the morals of the youth being injured, as had been suggested, he would observe, that it was not contemplated to bring them into large encampments, nor to keep them long at a time, nor to be quartered in towns, either of which may possibly have a bad tendency; besides, the military discipline they would be kept under, and the military duty to be attended to, would preclude them from running into excess or disorder, as they will, while there, have enough to do during the whole week; the design is, to let their encampments be in small numbers, to prevent contamination. He acknowledged those objections may have some foundation, and were, in a small degree, in existence, but the importance of the advantages to be derived from such a plan as this, he believed, considerably overweighed them. As a proof that the present system is very defective,

we may appeal to the many communications from the PRESIDENT on the subject; also, the very raw and undisciplined nature of those now termed Militia, when they are called out, and the evidence of military officers in general; witness a recent instance, when the Militia were called out; the chief support of that expedition depended upon voluntary public spirit, and entirely, or nearly, independent of any Militia laws; it was more from individual patriotism for the public service, than by an existing compulsory laws.

If, then, the present measures will not prove efficacious to accomplish so advantageous an end, it must be altered. And how must we alter it? While we keep in view the formation of a National Army of the whole United States, must we follow the old system? If you will not arm the people, and subject them to military duty, where is your force? You must either give up the idea of an efficient military force, or you must adopt a mode similar to that now proposed, and abandon the existing system.

This brings us to the plan proposed in the present bill. Whether the precise manner of modifying the principle of this bill be a right one; whether disciplining all persons between 18 and 25 years of age be right or not, he would not say, that he would leave to the committee to decide; there possibly might be a preferable regulation proposed, if so, he should be very willing to vote for its adoption; but something was necessary to be done, or the idea of our national defence must cease. Gentlemen from some parts of the country were not so strikingly impressed, nor so well informed of the necessity of this measure as he was. Mr. H. professed to be pretty well acquainted with the Eastern States. The whole body of the Militia could there be collected in a small circumference, as they were thickly settled; but when you come to a part of the country where, to assemble a company of Militia, you must travel 20, or in some places 40, miles square, this plan becomes impracticable. Admitting that the present system is wholly incompetent or improper, where the settlement is thin, the question then is, whether the system proposed in its stead would be injurious to the more thickly settled parts of the country? In the Eastern States, some additional burden may be laid on the people, and some inconveniences may there be felt; but would they be more than are now felt in some other parts? He believed the present system had greater inconveniences attending it in some places, and to greater extent, than could possibly attend this new system. In short, he believed that it would be everywhere practicable, even in the Eastern States; although, possibly not so necessary, yet he thought it would be of great service; while he was so sensibly impressed with these ideas, he could not agree to strike out the paragraph. He hoped it would have all the amendment it was susceptible of; but he hoped the form of the clause would be retained, and that the bill would be discussed throughout; but he believed no other system would be so serviceable as this, in half of the United States.

Mr. SITGREAVES confessed he felt a difficulty to decide on the subject now before the Committee. He had not the honor of a seat in that House when the subject underwent a discussion. He must confess the ideas of the gentleman from South Carolina appeared to be just. With respect to the State of Pennsylvania, from all the knowledge he had of it, and the conversations with a number of military officers, who had universally concurred, he sincerely thought, that there was an absolute necessity of new arrangements to give force and efficacy to the military system. None can doubt of the bravery and patriotism of our citizens; but bravery alone will not effect our security, without a military system to call forth that bravery into proper use. If bravery alone would do, our military arrangements would be ineffectual. True discipline, he said, was the life and soul of an Army. An Army well disciplined, with bravery, could encounter every difficulty. If it is true, that discipline is the only effectual way to obtain that desirable end, we had better use our utmost exertions to carry it into force; if it can only be acquired by a mode like that specified in the present bill, neither trouble nor expense should stand in the way of its accomplishment; trouble or expense is not of that consequence, as that we should avoid the main means to our national security. Mr. S. could not conceive that a day or two in a year was sufficient to acquire a sufficient stock of military knowledge. It was well known that that day or two, very great imperfections attended the arrangement, and no advantage was derived. He should, therefore, wish to hear stronger objections to the plan before he could vote for striking out the clause in question.

The bill before them, Mr. S. said, was the system of Baron Steuben. He knew this was a favorite system with the citizens of this State, and that it would prove very acceptable to them. It was said, there were some States in which the Militia is on a good footing, and requires no amendment. He wished some of the gentlemen from those parts would inform the Committee of the means which were there taken to make their military system so useful, that we may make use of similar measures in the Middle and some of the Eastern States; if not, he should not consent to part with the plan now proposed.

Mr. HENDERSON said, there was not a person in the Committee more disposed to amend the present military system than he was; but he must confess no person could object to the measures now proposed more than himself. Two or three grounds of objection operated in his mind against the Government going into this amendment, and he had not heard an argument that could remove them. What he had to observe on the subject came into his mind only since the discussion began. As to the principle of the bill, he thought it a bad one. In a Republican Government, military service ought to be as equally divided among its citizens as possible: this would not be the case if the present system was carried into effect. It is but a small proportion of our citizens who are

included between the ages of 20 and 25 years; he, therefore, supposed that the burden would fall entirely upon one-fifth of the people; of these, a considerable part would pay their equivalent to be excused from serving; thus, the poorer and most indigent class of citizens will have the defence of the nation entirely thrown on them.

Mr. H. also thought the measure unconstitutional. It appeared to him that the General Government had no power to call out people to train them for military service; he rather thought it ought to be left with the different States to call out their own citizens for military discipline.

With respect to the policy of the measure, Mr. H. thought the plan of this bill would be subjecting the United States to a very heavy expense: more than Congress would like, or at present could spare. Suppose the select corps consist of 100,000 men, which could not be rating too high, this he should suppose to cost between three and four millions of dollars; he thought this a very great sum, the saving of which would be an important measure.

The plan he thought objectionable on another ground—it was but a few years since the General Government newly organized the Militia; since which the States scarce had time to regulate their systems, to make them agreeable to the General Government. This new system would cause a new derangement, were they called upon again to change their system. Should we, then, encourage the agitation of the public mind, already too much agitated, by adopting measures which would prove unpopular and disagreeable? Mr. H. believed the State of New Jersey, which he had the honor to represent, had a very respectable Militia, and the law they had established had been very effectual to promote that purpose; that State had very good troops, both horse and foot, which were supported at individual expense; they prided themselves in a respectable corps: he liked a Militia *will* better than a Militia law. And shall we discourage this spirit by an act which shall blast its endeavors? He hoped not. It appeared to him this would at once damp that spirit which tends to security. He hoped we should never adopt any compulsive laws. If Government only retains the confidence of the people, the Militia of, at least, that State, (of which Mr. H. knew most) would be ready at any demand the Government should make of them.

The gentleman from South Carolina [Mr. HARPER] had said, that the present system was effectual in most parts of the Union. Then, Mr. H. would ask, why change it? Why relinquish that system which was effectual in the most populous part of the Union, to accommodate a widely dispersed part, inhabited by comparatively a few? If, in the Eastern States, where are the majority of inhabitants, this system is found agreeable, why introduce a change? The gentleman's argument turned against his conclusion. Till he heard far more weighty arguments, he should vote for striking out the clause.

Mr. BALDWIN said, his mind was made up in favor of striking out the section. It may appear

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rather hasty on a subject of so much importance to take it up so soon; he had no objection to indulge gentlemen who may think so, by letting it lie over for some time. It is, as the gentleman first said, trying the principle. It might be recollected that this was one of the first objects that engaged the attention of the General Government. It was then put to its proper trial; it then underwent a very considerable discussion, and a very long and intelligent report was made on the subject from the Military department. After going sufficiently through it at that time, it was thought not practicable to decide upon it within our own walls, until we had laid the plan before the people, that the public opinion might be ascertained. Time enough had elapsed since then, and he thought they might determine, that it appeared against the measure; they thought the plan too laborious and expensive to be worth pursuing. The principle somewhat differs now from what it did at that time; it then not only contemplated a select and reserved corps, but a third corps was proposed. He supposed the subject was now brought up to see whether the House is now ready to determine upon the principle. Mr. B. said he was; he was ready to vote against it; but there may be some gentlemen not so well acquainted with it, who may wish time to consider; he wished to give them that opportunity. This plan, he thought not worth pursuing: whatever we do, we must go on some other. This is not the basis on which we can, with the least prospect of safety, build our military system. Mr. B. thought the old system, in use before the year 1789, might receive such improvement as to equal any yet proposed. The sooner we can decide on any efficient plan the better. He understood the mover meant the House only to determine upon the principle. However, he should vote for striking out the first section for the reasons given.

Mr. RUTHERFORD.—The gentleman who just sat down has so much narrowed the ground that he meant to have gone over, that he could not say much more on the subject than had been. He believed the Government of the United States had nothing to do with the Militia in the several sovereign States; this was his opinion, and it was the opinion of the people at large; however of nine-tenths of them. The Constitution is express upon this subject; it says, when the Militia is called into actual service, it shall be under the direction of the General Government; but until that takes place, the several States shall have command over their own children—their own families. If the United States take it up, they will defeat the end in view—they grasp too much. When a State has the idea that it is competent to its own business, it does not like the Union to interfere with its concerns. When the farmer begins to obtrude his direction upon his son, just commencing for himself, all spirit is lost with the son, and perhaps he never acts in the same forward manner afterwards. So it is with the Union and her children the States. If they are deprived of the spirit which they have cherished on this occasion, all is at an end, their spirit of

valor is dashed: for the Government to enact Militia laws, is against the express decision of the Union. With respect to its unconstitutionality, Mr. R. concurred in opinion with the gentleman from New Jersey [Mr. HENDERSON] that this law would tend to alienate the minds of the people of the Eastern States whose Militia were already well-disciplined. Mr. R. could say, that as far as relates to the State he represents, they have done what he thought right; they have entered into military array; they wanted no new regulations in the Militia laws. The law proposed, he thought, would cross-cut all the exertions of the individual States. So soon as the United States come to obtrude their laws into the Eastern States where they have brought the Militia into a very respectable situation, he feared it would blast their further endeavors. He hoped nothing more would be done in that House than to advise those States who had neglected their Militia to revise and amend their laws, and make them more effectual: this is all this House can do—all they have a right to do.

Mr. SITGREAVES hoped the business would not be delayed; in which he differed with the gentleman from Georgia [Mr. BALDWIN.] He thought there would inconvenience arise from postponing it. He said, it was proper that haste in this decision should be attended to; that the States might know how to proceed; they waited to know what Congress did on the subject, to direct them what to do themselves; their different Legislatures would then act accordingly. He knew this to be the case with the State of Pennsylvania. Mr. S. was not tenacious of his own opinion upon the principle of the bill; but he wished a hasty decision; it having undergone much discussion, he should not beat over the old ground.

Mr. HARPER was far from being of opinion that the bill should be disregarded; after so much pains had been taken, he did not think it lightly to be dispensed with. It ought to be recollected that this bill has been the result of the deliberation of two committees of two different sessions, which consisted of men of good talents, and well versed in military concerns, who had seen the defects of the present system. He thought, therefore, that when a system had been brought forward with so much care, and from such authority, it ought not to be turned out of the House with so little ceremony. He wished to know what gentlemen would give in the stead of this bill. He would observe that, to make objections was very easy: it was very easy for a gentleman to get up and say he did not like the bill, but he ought also to show us the remedy; he ought to present us with a system more excellent, else his opposition is of no force. Did gentlemen pretend to say the present system is good? it could not be presumed; we had the evidence of the PRESIDENT OF THE UNITED STATES, who has in three several communications made to this House, told us, it wanted Legislative attention. He called for the evidence of every military man in this House, and in the United States to prove the truth; let gentlemen

tell us where is the man that complains of the principle of this system, that will improve it; where is the man that will give us something better? The gentleman from Georgia [Mr. BALDWIN] says the system has been published, and the public voice is against it: he could not conceive how far this could be the case. Mr. H. said he had not met with such opposition to this measure, although he had traveled pretty extensively almost from one end of the United States to the other, and had taken much pains to inquire the views of the people on this point; and as far as he had opportunity to hear, the present system was admitted as bad; and that something like the system now offered would be far more acceptable and useful; not that it might be as necessary in some parts as others. He could not see, as had been suggested, that the morals of the people would sustain any great injury; the Militia could be sent out in small parties to learn discipline. He thought that, without suffering any peculiar inconvenience in some of the States, they might give to the nation in general a system of great national advantage. Their labor would not be entirely lost, for an afternoon could then be devoted to business, and not prevent the learning of military discipline. When you go fifteen or twenty miles to assemble some parts of the company, how can they collect in a day? Longer time must be devoted, or great imperfection will be the result: it is necessary that, where people live so distant, a week or two be allowed, for which reason it will be inferred, that this part of the existing system will be altogether impracticable.

The gentleman from Jersey [Mr. HENDERSON] has said, that this plan would throw an unequal burden on some descriptions of citizens. Mr. H. thought the contrary; he thought the burden would fall equally on every description of people; every man in the course of his life would be obliged to perform his share in the service. That gentleman further says, that many will pay the fine, and thus be excused serving; but the bill contemplated no such exemption; no man ought to be excused but from utter inability; the plan of the bill meant, that all should, at some time of life, pass through this military discipline. The age fixed upon for the select corps was a time before men in general enter into business, and thus every one passing through this military discipline would diffuse such a habit as to be ready to defend their country whenever called to it. A man, because he was rich, should not be exempt; thus every citizen became a soldier, which was essentially necessary in a free Government. He hoped that, before gentlemen persisted in kicking this bill out of the House, in what he called an unceremonious kind of a manner, they would inform the Committee what they were to do, as it was certain the Militia in three-fourths of the Union wanted great regulations. In some parts he allowed they were on a very respectable footing. Charleston could produce two thousand regular, well-disciplined troops. But this was not the case in general to the Southward. And are we

to let our Militia remain in its present situation, and throw our whole dependence on the Standing Army? If gentlemen will not tell us how to remedy the existing evil, why not put this principle before us into effect? [Mr. H. here again enforced his argument from the report of the committee, and the PRESIDENT's recommending it.] As to the expense, it was quite overbalanced by the great advantages that would be derived towards the support of our freedom. What efficient system could be devised without a great expense to the nation? Gentlemen's calculations run very high when they represent the expense of this select corps.

It has been said, that if this bill were to pass, it would derange all the present military exertions. It would not; this select corps would draw out of that: it would not prevent the citizens forming themselves into military corps as they may think fit. They were told that these volunteer corps have equipped themselves at a very great expense, this he knew; but he rather thought that all who composed the safeguard of our nation, should be equipped at the national expense; at present, the defence of the nation fell upon a few who were more rich, or more patriotic than others. He hoped the motion to strike out would not pass.

Mr. W. LYMAN said, that the gentleman who condemned the present system in toto, allowed that it was effectual in some parts of the Union: then it could not be so extremely deficient. Mr. L. allowed that the Militia in some parts were defective; but in other parts they are in a very respectable force. He believed the present plan might be improved; but an attempt to put in practice this plan of a select corps, where a country lies so thinly inhabited, would be impracticable, and almost impossible. With respect to the present system, the gentleman last up has made some very unfounded objections, to say that it is generally disapproved. The most objectionable part of the present system to him was, in its tending to distinguish those citizens who could not pay, while it excused those who could. If this could be removed, he thought a great improvement would be introduced. The present Militia, he thought, would be very ready to defend the country whenever occasion should offer, either from foreign or domestic assault.

If the principle of a select corps was introduced into the country, he thought disaffection would be introduced with it, which would be found to war against the interest of the country. As soon as you carry this select corps into operation, you have no other corps to depend upon; the other is lost. And can it be supposed it will be acceptable to those who have been volunteers in the service in a fine genteel corps? Will they condescend to be brought into this poor, compulsive situation, in common with others who never have acted in the service? They will revolt at the idea. He differed with the gentleman from South Carolina [Mr. HARPER] as he believed the people would be generally dissatisfied with the bill. He should, therefore, vote for the motion for striking out, and before the bill went into the

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hands of a select committee, should observe respecting another principle in the bill on exemption, which he should waive until they came to it.

Mr. HARTLEY wished a little time might be given for the consideration of this subject, as there were several new members here who had not been present at former discussions of the subject. If they now agreed to strike out the first section, it would end the proposed plan. This was not an entire new plan. He believed, that in Switzerland, there was a corps of a similar kind, who were always called out before others; such a thing had been under contemplation in Pennsylvania. He granted it must be attended to, but hoped it would not be thought in that House that every man must bear arms; there were many conscientious people who would not on any account bear arms. This subject had been under consideration of a committee; he, at that time, furnished them with the Swiss code: they were armed and disciplined after this manner before this Government was formed. This select corps was to be armed at the expense of the United States. This appears the most considerable objection. It is contemplated to include all from 20 to 25 years of age; this could not take any very considerable portion of the citizens from their labor. The system at present used in Pennsylvania is very defective, and though ever so much so, if he understood the gentleman last up, nothing was to be done upon this subject; but it was to rest where it is. He hoped the Committee would rise, to give many gentlemen, who had but little knowledge of the business, time to inquire and consider on the bill.

Mr. GILBERT said he hoped the Committee would rise, and urged the same reasons as the last gentleman; it not having been discussed during the present Congress.

The motion was then put for the Committee to rise, when there appeared—ayes 37, noes 31.

The Committee accordingly rose, reported progress, and had leave to sit again.

PENAL LAWS.

Mr. LIVINGSTON said, that there had been a committee appointed, last session, on the subject of improving the penal code; but, for want of some necessary information, no report had been made. That information being now arrived, and doubting not the House was still desirous of ameliorating that code, he should beg leave to lay the following resolution on the table:

Resolved, That a committee be appointed to inquire whether any, and what alterations are necessary in the Penal Laws of the United States, and that they report by bill or otherwise.

Mr. LIVINGSTON, Mr. BRADBURY, and Mr. ISAAC SMITH, were appointed a committee for that purpose.

THE MILITIA BILL.

Mr. HARPER wished to know if it would be in order to move that the Committee of the Whole be discharged from the further consideration of the Militia bill, in order to move that it be recommitted to a select committee, which he did to free it from some of the objections which had

been made to it in the House. Being informed it was in order, he thereupon moved it. Impressed as he was with the importance of the principle, he could not neglect any means that may tend to forward so necessary a measure, and to get it done as well as possible.

Mr. W. SMITH said, it having been determined in the Committee of the Whole to defer it until to-morrow, it was not possible again to reconsider it this day. If it was to be again brought up at this time, he hoped the House would determine whether any, and what alterations should be made in the bill, else how should the select committee know what to do with it, not being acquainted with the will of the House? He hoped that the motion would not now be agreed to, but recommitted to-morrow to the Committee of the Whole.

Mr. HARTLEY was sorry the motion had been made; he hoped the gentleman would agree to put it off until to-morrow, as there were some military men, who were not now in the House, who would be very useful in the discussion.

Mr. HARPER could not think but the select committee, from this day's discussion, would have sufficient ground to amend the bill agreeably to the ideas of the House; he said it had better be referred now, as when the House had altogether rejected it, it then would be too late: they can form an idea of the temper of the House on the subject. I hope it will be referred, and if the committee are not able to do anything with it, at least they can bring it back again in the same state they took it. He, therefore, must press the motion on the House.

Mr. W. LYMAN thought it not right in the gentleman to send it to a select committee for amendment at this time. If he wished to modify it, he could propose an amendment, the result would then be known; but if sent to a select committee, and their report is unfavorable, it would be all labor in vain; he therefore hoped the motion would be lost.

Mr. CRAIK said, the business was so new to him, and he supposed to many gentlemen besides, that he wished it to be referred according to the motion. He thought that one day was not enough to consider it in. When it was new modified by a committee, it might have a very different appearance, and give general satisfaction. He had not received any information on the general state of the Militia, and he wished to have some little time to collect a proper view on the subject; great advantages may be derived from recommitting it. In many parts of the United States, the Militia was very much complained of; whether this be just or not, he could not say, but he should support the motion.

Mr. KITCHELL could not see what good was to be derived from what the gentleman had in view. The House never came to a decision, and if a select committee be now formed, what are they to do? very little is to be gathered from what has been said: we ought to consider the principle before we recommit it; on which account he should oppose the motion.

Mr. HEATH thought with the gentleman last up

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that it could answer no kind of purpose to discharge the committee for the purpose of recommitting the bill: by its being properly discussed in Committee of the Whole, gentlemen could receive information, and form the best possible opinion on the subject to guide their future operations. He hoped the motion would not obtain.

The motion was negative without a division.

DEFALCATIONS OF REVENUE OFFICERS.

Mr. HEATH said, owing to the want of sufficient energy in the Revenue Laws of the United States, considerable sums of money had been lost by the revenue officers, as was seen by the reports from the Treasury Department. He thought a mode might be devised, that a more sovereign remedy might be applied to prevent similar defalcations in future. He should therefore move the following resolution, which he wished to lie on the table:

Resolved, That a committee be appointed to inquire whether any, and what alterations are necessary to enforce the payment of money due from the various revenue officers of the United States."

TUESDAY, December 20.

SAMUEL JORDAN CABELL, from Virginia, appeared and took his seat.

THE MINT.

A Letter was received from the Secretary of State, enclosing the annual report of the Director of the Mint. This report was very long, and proposed means of rendering the establishment less expensive and more productive; one of the principal of which was, that the depositors of bullion should not have the same advantages as heretofore, but be charged with deficiencies on account of the inferior quality of their bullion, and other expenses attending the coining of it. As a necessity for this regulation, the Director mentions an instance, in which out of 96,000 ounces of silver deposited, nearly 24,000 ounces were under standard, the coining of which cost Government £500, and yet the depositor received back the same weight in coin without expense. This report was referred to a select committee of three members and ordered to be printed.

ACT OF LIMITATION.

The order of the day being called for—

Mr. DEARBORN said, before the order of the day was called, he would wish to observe, that there were a number of claims called liquidated claims, which ought not to be affected by the act of limitation. He, therefore, moved the following resolution:

Resolved, That a committee be appointed to inquire into, and report the expediency or in expediency of designating certain claims against the United States, to be excepted from the operation of the act of limitation.

Mr. W. SMITH said, there were objections to this last session. As business of this kind went through the Committee of Claims, he thought it would be more regular for this to do so, as that

committee was already appointed; he should therefore move an amendment to strike out the words "a committee be appointed," and insert, "the Committee of Claims be instructed."

Mr. DEARBORN did not object. His end was answered if the business was put in any forwardness. The motion, as amended, was then put and carried.

MILITIA BILL.

The House then, according to the order of the day, resolved itself into a Committee of the Whole, on the Militia bill.

The question being to strike out the first section—

Mr. WILLIAMS said, a well-regulated Militia must be acknowledged as the best support in a free Republic; and as every man must be interested in carrying into effect such a system, it became us to pay every possible attention to this very important subject. He thought the present system very exceptionable; and the one proposed and now under consideration, appeared to him compulsive, arbitrary, and not agreeable to the spirit of a Republican Government. The annual encampments would be very expensive and injurious to morals and industry. The regiments thus composed would extend over a great surface, and would want that compact solidity which military corps should possess. In the bill, all (except those exempted) between twenty and twenty-five years of age, are to do duty. This was a period that the purest morals ought to be inculcated in youth, instead of which we might reasonably expect that a greater part of them would, in consequence of their being encamped, imbibe immoral principles, which would be exceedingly difficult to remove. Besides, this is a period when young men take upon themselves an active part in life, and begin the world for themselves.

As the clause now stood, the public must be at a very great expense; such as, in our present circumstances, we are unable to bear. To agree to the first clause, would be legislating in the dark; as it was impossible to know what number of citizens there were within that age, of course we cannot form an estimate of the expenses. If such a system were to take place, we ought to have been furnished with the number as nearly as circumstances would admit. But as a gentleman observed the other day, that, before gentlemen negatived the present mode, they would do well to propose a better. Mr. W. said, he was of opinion that a legionary system would not only be far preferable to the one under consideration, but be more agreeable to the minds of the people; fully as efficient, and would call for but little aid from the public.

A legion, he said, was the most efficient corps in every point of view. A select legion might easily be formed from every brigade of Militia, agreeably to a certain rule of apportionment, which should be fixed by law. Most brigades could form one troop of horse, one company of artillery, and a battalion of infantry. The regiments which compose this brigade of reserved

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Militia, should be divided into infantry, cavalry, and artillery classes. These classes should be determined by lot, or by the arrangement of the commandant of the brigade. Every regiment should furnish a certain proportion of infantry, matrosses, and cavalry. The classes should be obliged to furnish the men for these corps completely equipped with arms and accoutrements, with a military hat or cap, with a coattee, and a pair of overalls. The classes which furnished these legionary soldiers to be exempted from the present military regulations. They shall be denominated the Reserved Corps, and shall only meet on the regimental parade once in three years, to be inspected and to recruit the legion. The classes, in case of desertion or expulsion, should be obliged, by pecuniary penalties, to replace the man who deserts or is expelled. If the classes refuse to raise the men directed by law, or the by-orders of a superior officer, every individual of such class should be fined with severity.

The term of the legionary enlistment to be for — years. During their service in the legion they might be exempted from all works on the road; from all civil duties as jurors, and from personal tax. Every three years of service to be distinguished by some honorary badge, and that period of service to exempt the legionary soldier from all military duties, except when the country was in danger.

The legionary soldier, when his time expires, to receive a military diploma, expressive of his patriotism and attachment to law and order. The legionary cavalry and infantry to be inspected and exercised in squads, convenient to their residence, — times in the year, by the Legionary Adjutant, who should be liberally rewarded by Government for his military services. The artillery should be encamped — days, and should be exercised and inspected by some able artillery officer in each division. This service to consist in practical experiments, and Government should provide for this expense. This corps to be entitled to a superiority in point of pay and military honor.

The legions of each State to be inspected yearly by the Adjutant General of each State, whose rank and emoluments should be respectable. He should make yearly reports of the legionary corps, of the Legionary Adjutants, and of the defects of the law, to the Commander-in-Chief of the State, and to the Secretary of War. He should be responsible for the good appearance and discipline of the legion, and therefore every Legionary Adjutant should be recommended or appointed by him. The first day the artillery should be inspected; the second day, the cavalry; the third day, the infantry; and the fourth day the legion should be exercised in mock engagements. The officers and soldiers of the legion to receive compensation for loss of time.

In order to accomplish an uniformity in arms, Government might furnish them and charge them to the classes at first cost. He believed most of the States could furnish the legion with arms.

The legion should bear the name of the county

or brigade district, and should be officered in the first instance from the present officers of the Militia; the Brigadier General of the reserved corps should always command the legion, and superior encouragement should be given to the non-commissioned officers. The Brigadier General to be responsible for the raising of the legion, to apportion the requisition to each regiment, and the commandant of each regiment to apportion the regimental requisition to each company. Any neglect or disobedience of orders to be punished with severity.

The penalties of non-attendance and other offences would deserve consideration. He believed no system would be efficient, if the fines were not given to the officers commanding the companies, for their use and equipment; and no system will be so just as to determine every species of guilt by a court martial.

The court members should receive the same pay as if on any other duty.

When the legion was collected, to be subject to the articles of war, except as to corporeal punishment. It would be best to arrange a system for the legion from the annual reports of the Adjutant General to the Secretary of War, who should report annually the defects of the law.

Mr. W. said, it appeared to him that there was a certain proportion of our citizens better calculated and more disposed for military duty than others. The principle here laid down would give them an opportunity to distinguish themselves according to their genius; but in the clause in the bill before them, all were to be considered as forming the Militia, let their genius or abilities be ever so much at variance with the service. Of what use would it be, said Mr. W., to discipline men who disliked the service? In his opinion, it was only a loss of time.

Mr. W. concluded by saying, that he had thrown these ideas together, and submitted them to the consideration of the House. They appear to him to obviate many objections which had been urged against the bill before them, and to remedy existing evils. The House would perhaps think differently; if so, they would of course reject them. He should, at all events, vote for striking out the first section of the bill before them.

The question was then put for striking out the first clause, and forty-nine rising in the affirmative, it was carried.

Mr. W. SMITH then moved for the Committee to rise, report progress, and ask leave to sit again; he hoped it would be refused, in order that the bill might be recommitted to a select committee.

Mr. W. LYMAN hoped, before the Committee rose, what related to explanations might be tried. It appeared to him they should decide whether the people called Quakers, and others who conscientiously refuse to serve in the Militia, should be indulged. He hoped the principle would be tried.

Mr. HARTLEY agreed in the same desire with the gentleman last up.

Mr. DEARBORN agreed in a desire with his colleague [Mr. W. LYMAN] that the principle of the

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bill might be tried, but he did not think it should now be done. The general principle of exemptions goes a great way, and he thought there should be a curtail of the present laws of exemption; he thought but few gentlemen would differ on that head. But it may as well be discussed when the report of the select committee was made. A general complaint of the present system was, that the burden fell on a few individuals. He was not tenacious of his opinion, but he would rather have it re-committed before much was said about it.

Mr. KITCHELL said, if the whole body of the people were formed, exemption might be allowed; but if not, he should form a contrary idea. However, he thought it would be time enough to talk about it when the committee reported. He hoped the Committee would rise, and that it be referred to a select committee. He therefore moved that the Committee of the Whole be discharged till it be re-committed to a select committee.

The Committee rose and reported progress, but on asking leave to sit again, the House divided—ayes 34, noes 35. Leave was accordingly refused.

Mr. W. SMITH then moved that the bill be re-committed to a select committee; which was carried. Sixteen, nine, and five, were proposed for that committee. The question was taken on the greatest number, and lost. Nine was then carried, and Mr. DEARBORN, Mr. SHERBURNE, Mr. WILLIAMS, Mr. THOMPSON, Mr. HARTLEY, Mr. PATTON, Mr. CABELL, Mr. LOCKE, and Mr. GREENUP, were appointed to that committee.

BALANCES DUE FROM STATES.

Mr. CORR wished to call the attention of the House to a subject which he thought of some importance—it was the balances due from certain States to the United States. Three years, he said, had elapsed since the report was made by the Commissioners on that subject. He did not know what order was proper to be taken, but something ought to be done; he thought the first step would be to ask the debtor States for payment. He would therefore submit the following resolution, to lie on the table till to-morrow:

“Resolved, That the Committee of Ways and Means be directed to report whether any, and what, further measures ought to be taken relative to the balances which, by the report of the Commissioners for settling the accounts between the United States and the individual States were found due from certain States to the United States.”

PROTECTION OF SEAMEN.

Mr. LIVINGSTON said, that by some inadvertency, two clauses had been omitted in the bill for the protection and relief of American seamen. They were the clauses respecting certificates, on which the two Houses had differed in opinion. What has hitherto been done to supply the want of them has been by the PRESIDENT, and yet a great number of our citizens have been impressed. With a view of removing this difficulty, and again bringing the subject before the House, he moved the following resolution:

“Resolved, That a committee be appointed to in-

quire into the operation of the act for the relief and protection of American seamen, and to report what amendments are necessary to be made thereto.”

Mr. LIVINGSTON, Mr. SWANWICK, and Mr. GROVE, were appointed the committee.

BOUNTIES TO OFFICERS AND SOLDIERS.

Mr. BLOUNT said, that Congress passed a resolution in 1776, granting certain bounties and grants of lands to the representatives of officers and soldiers who were slain in battle, which he thought equally applied to those who died in the service. He said, both cases had formerly been considered as included, but latterly the Secretary of War had made a distinction. He should propose a resolution to the House, in order to have a declaration of their sense upon it. The resolution was to the following effect:

“Resolved, That a committee be appointed to inquire into and report their opinion on the equity and expediency of extending to the representatives of the officers and soldiers who died in the service the advantages allowed by the resolution of Congress, September 16th, 1776, to the representatives of those officers and soldiers slain by the enemy.”

The resolution was ordered to lie on the table.

WEDNESDAY, December 21.

Mr. HEATH called up the resolution he yesterday laid on the table, respecting obtaining moneys from revenue officers. After some conversation on the subject between Mr. D. FOSTER, Mr. HEATH, and Mr. CORR, as to its commitment, it was referred to the Committee of Ways and Means.

Mr. BLOUNT called up the resolution he yesterday laid on the table, on the grants to the survivors of soldiers who died in the service. On division, there appeared, ayes 37, noes 18.

A committee was appointed for that purpose of Mr. BLOUNT, Mr. CORR, and Mr. HATHORN.

Mr. PATTON moved that the report of the Committee of Commerce and Manufactures made last session, respecting the kidnapping of negroes and mulattoes from different States, contrary to the laws of the said States, should be committed to a Committee of the Whole House. Agreed to, and made the order for Monday.

BALANCES DUE FROM STATES.

Mr. CORR moved the House to take up the resolution which he yesterday laid upon the table respecting the balances due from individual States to the United States. He observed, that those balances amounted, at the time of the settlement, to three and a half millions, and that, with the interest paid upon them, they were now four and a half, and it was therefore desirable that something should be done in the business.

Mr. WILLIAMS said, it was to be lamented that they could not come at the principle upon which the Commissioners had settled these balances. He thought, if this matter was duly examined, that those States which were made creditor States would not be found to be so. He thought the business of importance, and such as might not be hurried through the House. He did not expect

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the resolution would have been called up to-day, and therefore wished a few days might be allowed before it was decided upon.

Mr. W. SMITH said, the resolution went no farther than to inquire into the subject; he therefore thought more time was not necessary to it. If anything was meant to be done in it this session, it ought to be expedited. It must come under consideration some day, he said, and the sooner the better, both for the debtor States and the United States.

Mr. W. LYMAN wished it to go into a Committee of the Whole House, else how could it be executed? He wished to know what inquiry could be made. If gentlemen wished to inquire, no time more suitable than in Committee of the Whole. The principle upon which the accounts were settled was objected to. A select committee could do nothing with this. He wished never to refer to a select committee to have an opinion expressed. They can meet, they can inquire, they can report, but the use of it in this business would be nothing; he therefore hoped it would at once be referred to a Committee of the Whole.

Mr. GILBERT said it had once been before the House. He thought no objection could now be made to its going into the hands of the Committee of the Whole. Various considerations may then be made on the subject. He trusted a due investigation would take place, and that the matter would be rightly adjusted.

The SPEAKER reminded the House the motion was to refer it to the Committee of Ways and Means.

Mr. COIT said, he had hoped this resolution was so framed as that no objection could have been made to it. Every one acknowledged something was necessary to be done. The most natural way, in his opinion, would be to make an application (which had not yet been made) to the debtor States for payment; but, since they had a committee specially appointed to adjust all money matters, notwithstanding what had fallen from the gentleman from Massachusetts [Mr. LYMAN] to the contrary, he thought it best to direct the inquiry to be made by them.

Mr. BALDWIN said, it struck him yesterday that this was the most proper means to bring about this end that could be pursued. Some objections had been made to the principle. He said, the principle upon which the balance was struck was generally approved of. The whole of the settlement ought to be brought and sent to the several States from whom a balance is due. He took it for granted the Committee of Ways and Means would consider a proper method to propose for that purpose, and he thought very little difficulty would attend its settlement.

The resolution was agreed to.

CANADIAN REFUGEES.

Mr. WILLIAMS thought some progress may now be made in the business respecting Canadian refugees; he therefore called for the order of the day on that subject. The House then resolved it-

self into Committee of the Whole, Mr. MUHLBERG in the Chair.

A considerable number of papers having been read relative thereto, together with the last report of a select committee, which was against the petitioners.

Mr. GREENUP hoped the report would be agreed to. He was upon the committee who made it. He said, in their examinations, he could find no resolution under the old Government to allow these refugees the bounty lands prayed for, and therefore he thought they ought not to be allowed.

Mr. LIVINGSTON spoke in favor of the allowance, and called for the reading of a former report in their favor, which he hoped would be agreed to.

Mr. SITGREAVES said, upon inquiry of the Clerk, he found none of the reports upon this subject had been printed. He himself stood in the predicament of others who were unacquainted with the business. As it was a subject of complexity, he should therefore move that the Committee rise, in order to have the papers printed.

Mr. LIVINGSTON said they had been printed last session; he hoped the House would not long delay this business, as the petitioners had been waiting many years. He did not mind its being deferred a few days.

The Committee rose and had leave to sit again, and the papers were ordered to be printed.

CASE OF JOHN SEARS.

Mr. CHRISTIE presented a petition from John Sears. He should assign his reasons for again troubling the House with this petition. It may be recollected it was referred last session to the Committee of Claims, who had reported favorably on it. The case was so plain that there was not a man in the House that doubted the justice of allowing it. The report was agreed to, and went up to the Senate, who had no time to inquire into the facts, and therefore they never acted on it. He was encouraged to hope the same facts would again influence this House to do justice to the petitioner.

Mr. MACON thought, admitting a second petition would introduce a bad precedent; but as this case was somewhat extraordinary, as it had passed the House, it might alter the case; but he wished, as it had gone to the Senate, it had originated there now, and a bill had been brought from thence; he felt unwilling to deviate from order.

After some conversation about order, the following resolution was moved and agreed to:

Resolved, That the memorial of John Sears, presented January 30th, 1795, be referred to the Committee of Claims, with instructions to report by bill or otherwise.

NATIONAL UNIVERSITY.

Mr. MADISON, from the committee to whom was referred the memorial of the Commissioners of the Federal City, and that part of the PRESIDENT'S Speech relative to a National University, reported a resolution to the following effect, which was referred to a Committee of the Whole, and made the order for Monday:

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"Resolved, That it is at present expedient that authority should be given to enrol proper persons to receive in trust, pecuniary donations, in aid of the donations already given towards the establishment of a University within the District of Columbia."

REUBEN COLBORN.

Mr. DEARBORN called for the order of the day on the report of the Committee of Claims on the petition of Reuben Colborn, for compensation for building of batteaux, and for other service during the war; the report was against the petitioner.

The House accordingly resolved itself into a Committee of the Whole on the subject; when

Mr. DEARBORN said this claim had engaged the attention of the House last session, and that no doubt seemed to remain with the House on the propriety of disagreeing to the report, and allowing the claim, but whether the papers had been lodged at the proper office in Boston in due time—[Several letters and papers were read, to prove that the petitioner had done all in his power to get the account settled.] Mr. D. hoped, therefore, that this would be one of the peculiar cases against which the statute of limitation would not be permitted to operate.

After a few words from Mr. D. FOSTER, Chairman of the Committee of Claims, in which he acknowledged the justice of the claim, but that it was barred by the act of limitation—

Mr. COIT said, as some new facts had been mentioned, he wished the report to be recommitted.

The Committee accordingly rose, and the report was recommitted.

THURSDAY, December 22.

FRANCIS PRESTON, from Virginia, appeared and took his seat.

JOHN CLEVES SYMMES.

Mr. HENDERSON moved that the report of the Attorney General relative to a contract between the United States and John Cleves Symmes, be committed to a Committee of the Whole. It was made the order for Tuesday.

Mr. W. SMITH moved, that when the House adjourned it should adjourn till Monday.

Mr. COIT wished the gentleman to give his reasons why the House should not meet to-morrow, as usual.

Mr. W. SMITH said, his reason for making the motion was, that the different committees might have time to sit and prepare business to come before the House.

Mr. MACON was in favor of adjourning to Monday, as it would tend more to the despatch of business if the committees had time to prepare their reports, than the House meeting when there was no business to proceed with.

The House adjourned to Monday.

MONDAY, December 26.

JOHN WILKES KITTERA, from Pennsylvania, appeared and took his seat.

A bill was received from the Senate for adding \$100 per annum, each, to the salary of two of their principal clerks; which bill was read the first time.

The committee to whom was referred the petition of John Sears, reported a bill for his relief. It was read a first and second time, and made the order of the day for to-morrow.

A letter was received from the Secretary at War, enclosing a report on the petition of Hugh Lawson White, which was against the petitioner. It was read a second time, committed to a Committee of the Whole, and made the order for Wednesday.

BALANCES DUE BY STATES.

Mr. W. SMITH, from the Committee of Ways and Means, to whom was referred to report whether any, and what measures ought to be taken relative to the balances found by the Commissioners for settling the accounts between the United States and the individual States, to be due from certain States to the United States, reported a resolution to the following purport:

"Resolved by the Senate and House of Representatives, That the President of the United States be requested to give information to the several States which were by the Commissioners found indebted to the United States, of the sums in which they stand indebted, together with the interest due thereon to the present time, with a request that provision may be made for paying the same as soon as possible, which may be made in any of the six per cents., three per cents., or deferred stock of the United States, in the same manner as the United States had paid those States to whom they were reported to be indebted by the said Commissioners."

This resolution was read a second time, and referred to a Committee of the Whole House, and made the order of the day for Thursday next.

RELIEF TO SAVANNAH.

Mr. W. SMITH said he wished to lay a resolution on the table. It was well known that the city of Savannah, in Georgia, had suffered in the most alarming manner, by that greatest of all calamities, fire, so that four-fifths of the whole town was reduced to ashes. He was desirous that some relief should be afforded to the unhappy sufferers from the Treasury of the United States. He believed there was no precedent wherein similar relief had been granted: they had, indeed, afforded relief to sufferers from the West Indies. He did not mean that a large sum should be granted; but he thought such a sum might be given, as, in conjunction with the support which they might receive from other quarters, might relieve the distress which must be the consequence of such a calamity. The resolution was in the following words:

"Resolved, That the sum of ——— ought to be granted towards the relief of the sufferers by the late fire at Savannah, in Georgia."

It was read a second time, and ordered to be committed to a Committee of the Whole to-morrow.

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EXCISE ON DISTILLED SPIRITS.

Mr. SMITH called up a report, made last session, to amend the excise laws on distilled spirits. The present mode of collecting that part of the revenue was very defective. The principle of this report was, to prohibit the distilling of spirits in all places except towns and villages; and that no stills should be licensed of less size than four hundred gallons.

Mr. HARTLEY objected to it, because it would tend to ruin the small stills; he therefore thought, as it must be considered of great consequence, that the House should not hurry the business.

It was then referred to the Committee of Ways and Means.

NATIONAL UNIVERSITY.

Mr. HARPER moved the order of the day, for the House to go into a Committee on the establishment of a National University. The House accordingly formed itself into a Committee—Mr. CORR in the Chair.

When the report was read, Mr. MACON said there was the word "appropriation" in the report. He did not recollect any having been made for that purpose. He wished to know what was meant?

Mr. CRAIK said, authority was given from the PRESIDENT to appropriate about twenty acres of land for the erection of this building; this he supposed to be what was meant.

Mr. NICHOLAS said, that some time or other the institution of a Seminary in this District may be of use, but at present, and in the manner contemplated in this report, it would not do. If carried into effect thus, it will some time need an appropriation. We are now, said Mr. N., going into the subject, but we know not to what lengths it may carry us; we do not know where it will end. He did not think the time had arrived to incorporate a company for building a National University. It would be taking money from those districts of country which can do for themselves, and would receive no benefit from this institution. It would be inconvenient and inconsistent for people living at a considerable distance to send their children to this University; besides, he thought, the further children are from home, by being less under the eye of their parents, the more their morals would be injured. If it be a National University, it must be for the use of the nation. It will then be necessary to open funds for the purpose of its support. It is recommended by the PRESIDENT, it is true; but this is no argument why we should precipitate the business: it is the last time he will have an opportunity to address this House, and it being an object he should like to see encouraged when it was practicable, he took that opportunity to express it. We are not now in a situation to forward its establishment. It may be done at some time, but Mr. N. thought it would be many years first. That district of country would be many years before it could encourage the hope of such a plan prospering. He thought gentlemen from other parts of the Union would not say they wanted it for their youth. He thought if the

House once entered into the subject the responsibility would fall on it to keep up the institution.

Mr. HARPER said, it did not appear to him that the gentleman last up had attended sufficiently to this report, for he seemed to be much mistaken as to its principle. There was nothing in it that contemplated pledging the United States to find funds for its support; nor was it the object of the report to establish a National University. He agreed with the gentleman, that we were not arrived at a period for such an institution. But gentlemen would see that the object of the Commissioners was not to establish a National University or obtain money from the United States, but their direct object was, to be incorporated, so as to be enabled to receive such legacies and donations as may be presented to the institution, and hold it in trust for that purpose. The PRESIDENT had already given nineteen acres of land, and signified his intention to give fifty shares in the Potomac canal whenever there was proper authority to receive endowments. It appears that there is no authority at present. The memorial goes no further than to authorize them to receive such benefactions as may be made, and hold them in trust. How far, then, this went towards involving this House in its support, he should leave the good sense of gentlemen to judge. Mr. H. thought the amount of this memorial could not have any evil tendency, but it may have a good one; for which reason he hoped it would be agreed to.

Mr. BALDWIN did not know anything, according to his present views, which could be injurious in the report. At present it seemed favorable to him. He had two principal ideas in his mind, which made it appear so; if neither of which was cleared up otherwise, he should vote for it. The first thing he should ask was, Is such a thing desirable? And then, Is there a Seminary so near the spot contemplated, as to make it hostile in this House to encourage this University? He believed there was none that this will injure, but that an establishment like this would be very agreeable in that District. If it was desirable, who could undertake it, who encourage it, like this House? They could not do it themselves. If, then, the step is a proper one, it can never be too soon to commence it, although it may be many years before it may be wanted. The objection may be, that it would be wrong to incorporate a Literary Society; but we have frequent instances of incorporation, and nothing can prove it improper, since no pecuniary aid is required, no grant of money is asked. If it was, I should, like the gentleman before me, [Mr. NICHOLAS] disapprove of it, but not now seeing reason to object, I shall vote for the report.

Mr. CRAIK.—After the caution the committee had observed in forming their report, to prevent objections, I am sorry they should be charged with things they do not in the least merit. If the report contemplated the raising a fund for the support of this institution from the United States, there might have been some ground for gentlemen's objections; but, as there is not the most distant view of such a thing, I am surprised to hear

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it objected to. I did not expect it from that gentleman, [Mr. NICHOLAS.] I did not expect to hear him say, that institutions of this kind were not wanted there; it might have come better from gentlemen residing in more distant parts of the United States.

If this subject was now before the House, sir, I should not be against proving, at this time, that it is the duty of the United States to establish an University, and that the sooner it was done the better. But, as this is not the case, as we are only asked to permit its encouragement, by allowing these people to receive benefactions, how can we refuse? Shall we shut the door against individual benevolence? There are appropriations already made to this institution. There is a fund now of fifty shares in the canal, which is now valuable and increasing in value daily. I think the situation for this purpose very good; and the probable increase of the city of Washington will induce many persons to benevolence for this purpose. I know of no situation more central, and believe there is no place of the kind in its neighborhood; and from an established knowledge it would be a very useful and desirable institution, shall vote for it.

Mr. W. LYMAN.—As far as I can understand, the land which is now to be appropriated for this University, is the property of the United States. Does not this look as though the United States are to patronize and support the establishment? If we take this step, I shall very much wonder if our next is not to be called upon to produce money. I do not expect much from the liberality of individuals; and can it be expected that people from the remote parts of the United States will send their children to this Seminary? Surely not; and consequently their money will be lost. It will be a natural source of discontent to them, to pay their money merely for others to obtain the advantage. It may be very good for people thereabout, but remote parts cannot derive the least advantage from the institution. We are going quite too fast into this business, without attending to probable consequence.

I think it would have been more proper, if these people had only wanted this power, for them to have applied to the State Legislature of Maryland; it would be more to their interest and duty to encourage a Seminary if one is wanted in that place. They have sufficient power vested in them to encourage all such laudable undertakings. For us to encourage this would be to do injury, instead of having a number of schools planted in various parts, they are now all to centre in one; and the people are to neglect all to support this one; as others would become very weak.

I flatter myself to have as liberal sentiments on such institutions as other gentlemen, but I do sincerely think small Academies are as useful as this institution for an University. The large institutions are generally out of the reach of people in general, and of the middling class in particular. These small Academies have produced many eminent literary characters in the country. If it should be necessary at any time to form a Semi-

nary for the use of that District, Congress. would not refuse its encouragement: but to draw money for a National University I hope they never will agree. But gentlemen say this is not asked; true it is not at this time, but there is that in the principle that will most certainly lead to it.

Mr. DAYTON (the Speaker) said, if it should ever be the policy of the United States to establish a National University, he was of opinion this was an improper time for making the decision. He did not believe the committee who made the report meant to do more than had been stated; but the effect, he said, would be what he predicted; this measure would be looked upon as an entering wedge, and they should hereafter be told they must go through with it. If gentlemen were prepared to sanction an institution of this kind, they would of course do it; he was not prepared to vote for the measure, but should give it his negative.

Mr. NICHOLAS said he had not been convinced by the observations of gentlemen who had spoken in favor of this report that all the mischiefs would not follow this measure which he before predicted. He inquired into the purpose of establishing a National University. The PRESIDENT had said (and the Commissioners after him) it was to establish an uniformity of principles and manners throughout the Union. This, he believed, could not be effected by any institution. If, said he, you incorporate men to build an University, are you not pledging yourselves to make up any deficiency? and, as the building must be commensurate with the object, they would have an enormous empty house continually calling upon them for contributions to its support. Whatever moderation had been observed in framing this report, Mr. N. said it was like many others which came before them: it was so covered as not to show half the mischiefs which would attend it. If a plan of education was wanted for that District, let members from that part of the country say so, and he would be ready to afford them every necessary assistance; but he would not think of going into the scheme of a National University.

The district of country from whence he came might stand in great need of Seminaries of Learning, as had been hinted by the gentleman from Maryland, [Mr. CRAIK,] but their ignorance must continue until they were sensible of their want of instruction. He believed there was no Federal quality in knowledge, and no Federal aid was necessary to the spreading of it. Every district of country was competent to provide for the education of its own citizens, and he should not give his countenance to the national plan proposed because the expense would be enormous, and because he did not think it would be attended with any good effect, but with much evil.

If an University is wanted for the use of that District, or any other part, Mr. N. said he would give it all the encouragement possible, but he could not agree to go to such great lengths—lengths which were not yet explored.

Mr. R. SPRIGG considered the report before them as of a very harmless nature. The PRESIDENT, he

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said, had appropriated land upon which to erect the University in question. They were not called upon to sanction that appropriation. His power to give it was full and ample. The thing was done, and he had promised a future donation. The apprehensions of the gentleman from Virginia [Mr. NICHOLAS] seemed to arise from his conceiving they were about to sanction a National University, such as had been recommended by the PRESIDENT. If this were the case, although the Representative of that District, he should not give his vote in support of the measure. On the contrary, he said, they were called upon merely to authorize proper persons to receive donations for an University. What sort of institution this should be, would be for the future consideration of Congress. Mr. S. said he should always be ready to give his support to every measure which had a tendency to spread knowledge throughout the United States, as he believed the progress of knowledge and liberty would accompany each other. The gentleman from Virginia seemed to think this institution would only benefit a small circle. He did not think the State of Maryland would be much benefited by it, as they had already two good universities; but he thought it doing no more than justice to the owners of property in the Federal City that this institution should be encouraged. What was asked of them would not commit them at all for anything further, and it would be a mean of turning the attention of the people to the support of an institution of this kind. For these reasons, he hoped the House would agree to the report.

Mr. LIVINGSTON said he had thought, like the gentleman last up, that there was nothing in it but what was perfectly harmless, until recurring to the law for establishing the permanent Seat of Government, that something more might be intended than the eye could at first discover. Mr. L. said he turned the thing a variety of ways in his mind, and could not account for some of its obscurities. If nothing was intended but a mere incorporation, why not apply to the State that could incorporate such a body? Something further seemed to be intended: public patronage was wanted to support this institution. They were called upon, at a moment's notice, to give their encouragement to this National Institution. It is true, they were called upon from very respectable authority. They were not called upon to appropriate the public funds to this purpose; but how far the Commissioners are justifiable in laying out public lands for that purpose, he knew not. He had not the law itself at hand, but he was doubtful about the just disposal of it, if in this manner. This land was for public use. The use of this land was to erect buildings on for the benefit of Congress; and if these Commissioners had power to appropriate it for building a National University on, they had the same power to give it or make use of it for any other purpose. Such institutions are not public, but private concerns.

This, said Mr. L., I view as the effects of the resolution, was it to be adopted; but I would not be thought as in the least reflecting on the motives of the gentleman who brought it forward. I be-

lieve it will operate (as a gentleman has justly said) as an "entering-wedge;" and at some future time we shall be told, we must go on—now we have encouraged its institution, we must support it. We shall hear more about it at a future day. Gentlemen tell you, sir, that nothing is intended, but merely to permit its institution. Why cannot they obtain this power which is asked of us of the State where it is wanted? The laws there will permit it, and, most likely, it could be obtained. If this report is agreed to, the time will arrive when this institution will pretend to a just claim on this House for its support; and the reasons they will then urge will have a force which will not be easily repelled.

Mr. MADISON said he was very far from considering, with some gentlemen, that this is a question of right or policy. These ideas are not comprehended in the present question. It is not whether Congress ought to interpose in behalf of this institution or not; it is whether Congress will encourage an establishment which is to be supported entirely independent of them. He did not consider it would ask a single farthing from us, nor that it would pledge Congress to endow the establishment with any support. The State of Virginia thought proper, during the war, to present the PRESIDENT with fifty shares in the Potomac canal, in consideration of his services, which he refused accepting for his own use. He has now offered to give it to this Seminary. Some other individuals have likewise destined part of their land for its support, and other benefactions may be expected. The amount of this motion before the Committee is, whether we will grant power and security to persons to receive such donations in trust for the institution? He conceived it only in this simple point of view, and he thought if it was worthy of patronage, it ought to be from the United States.

The gentleman from New York [Mr. LIVINGSTON] seems to say it is not necessary, for Congress to interpose, as the laws of Maryland allow that Legislature power to do it, and they are the most proper. Congress has the sole jurisdiction over that District: it is not with the power of that Legislature. Their power in that District could only operate by virtue of a grant from the United States; although it is necessary, until that District becomes the permanent Seat of Government, the laws of Maryland should be in force there. This being the situation, the Commissioners applied to Congress to give them the power to receive benefactions.

Another thing which gentlemen had objected to, is its being called a National University. The report does not call it so; it calls it "An University in the District of Columbia;" which, he thought, was materially different. Congress may form regulations for institutions which may be very good, and yet, not be viewed as national institutions. It was in this qualified light (for he wished not to consider it a burden on the nation) he meant to vote for the report.

Mr. SPRIGG said it had been inquired why the Legislature of Maryland could not have granted the Commissioners what they now pray for? He

answered that they could make no law for that District which should extend beyond the time at which the Seat of Government was to be removed there. He mentioned some instances that had taken place while he was a member of that Legislature. This, he said, accounted for the application of the Commissioners to Congress.

On motion, the Committee rose, and had leave to sit again.

CAPTAIN DAVID HARRIS.

Mr. CHRISTIE said that he wished to know from the War Office whether any, and what number of, officers of the late Continental Army were in the same situation with Captain David Harris. He read a resolution for getting a statement of this nature from the Accountant of the War Office.

Mr. FOSTER wished rather that the gentleman would call at the War Office, where he would get the information which he wanted, if it was to be had.

Mr. CHRISTIE said that formerly, when a member of the Committee of Claims, he had attempted to be satisfied on this point, and did not succeed.

A motion was here made to adjourn—yeas 32, nays 33. Not carried.

Mr. CHRISTIE then moved his resolution.

Mr. MACON was against going back into these old accounts.

Mr. KITCHELL thought that it would interfere with the statute of limitation.

Mr. CHRISTIE said that the gentleman from New Jersey perfectly misunderstood the case. It had no concern with the statute of limitation. If it had gone to that extent, Mr. C. would have been as cautious as any man. The matter was this: Captain Harris had eighteen months' pay due to him as an officer in the late Continental Army. The claim was allowed, but because he had been late in calling for his money, the officers of the Treasury would give him only sixteen dollars. Any man in private life acting thus to his creditor would be looked upon as a rascal. Mr. C. believed that every gentleman in the House would agree with him in thinking such payment too small. He doubted much if one single officer was in the same situation with Captain Harris. He wished for information immediately, because the case of Captain Harris was made the order of the day for to-morrow.

The resolution was negatived.

Mr. PARKER laid a resolution, to the following effect, upon the table:

"Resolved, That the President of the United States be requested to cause to be laid before the House, what measures have been taken for carrying into effect the Treaty between the United States and the Dey and Regency of Algiers, and also whether any, and what, further Legislative aid may be necessary for that purpose."

TUESDAY, December 27.

DEMPSY BURGESS from North Carolina, appeared and took his seat.

The bill was read a second time for granting additional allowance to the clerks in the offices of

the Secretary of the Senate, and referred to the Committee on Compensations.

A memorial of Joseph Ball and others was presented by Mr. LIVINGSTON; the petitioners are holders of bills of credit, emitted in pursuance of a resolution of Congress in 1780. They pray that such provision may be made for the payment of the amount of principal and interest on those bills, as the nature of the public engagement and justice may suggest.

A memorial of John Cleves Symmes was presented by Mr. KITCHELL, praying a fulfilment, on the part of the Government, of a contract entered into with him, for certain lands in the Territory Northwest of the Ohio. Referred to the Committee of the Whole to whom was committed the report of the Attorney General on that subject.

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The order of the day was called for on the report of the committee to whom was referred the memorial of the Commissioners of the Federal City, and that part of the PRESIDENT'S Speech, which referred to the establishment of a National University. The House accordingly resolved itself into a Committee of the Whole on that subject, when the resolution, reported by the select committee, having been read, no gentleman rising on the subject, the Chairman inquired if the committee were ready for the question, and on being answered in the affirmative, the question was put and negatived by a great majority.

The Committee rose and the Chairman reported their disagreement with the select committee.

The House then took up the subject.

Mr. MURRAY rose, expressing his great surprise at the unexpected decision on the question in the Committee. He was very much surprised to see the Committee so changed, no opposition, and yet the report so quickly negatived; surely gentlemen must have mistaken the question. It is matter of regret such an important subject should have so little consideration. The language of the report is perfectly moderate and just. The gentleman from Virginia, yesterday, gave us to understand that this institution was to draw its support from the National Treasury; but on examining the report I can find no such idea held out or intended; and also he told us this was a National University. The gentleman's observations are grounded in mistake, or it was effected by an imagination of evils, of which there could not be the most distant apprehension. If we refer to the memorial of the Commissioners we shall see they ask no money from Congress; they only ask you to erect a number of gentlemen into a corporate capacity to enable them to receive donations from those who are well disposed towards instituting an useful Seminary in that District; this is no more than they have a right to expect from Congress, and is the duty of Congress to grant. Yet the determination of the Committee of the Whole House has been carried against this very desirable and reasonable request. I would again repeat that the language of the memorial is only to enable them to support a Seminary of Learning in that place,

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and not a single shilling is asked from the nation. They only want a medium to act upon—an act of incorporation.

My colleague [Mr. CRAIK] has shown that it cannot be done by the Legislature of Maryland; that Legislature has restrained itself from any act respecting the District of Columbia that will extend beyond the year 1800, when it will become the Seat of the Government of the United States. Congress alone have the power to erect a corporate capacity in that place, and if they now withhold, they will smother in the bud the efforts of individuals who would wish to be generous towards the support of learning in this new city. On the contrary, how ungenerous will it appear in this House to prevent this valuable design! How peculiarly humiliating will it appear in the view of foreign nations, and how undignified with the character of liberal and enlightened in this! If Congress had passed an act agreeable to the report of the committee, where would have been the evil? The PRESIDENT has generously signified his intention to make a valuable benefaction, not less than £5000 sterling, and the wise and good in all parts of the United States would probably follow his example, particularly in that neighborhood, if Congress would put them in a way to receive it; a building would then be begun and some advances made towards the execution of the institution, in proportion to the fund. Instead of allowing this to be the case, every possible view has been given unfavorable to the plan, and every possible supposition formed, though without grounds, which could tend to blast it. The ideas of gentlemen have been inferred that a large empty house would arise;—that it would draw from the United States funds for its support. It may be possible, but it is no way probable. Is it not more probable that these gentlemen, knowing they cannot expect national support, will keep themselves within the bounds of their funds, if they mean to carry on the institution? Certainly this seems most consistent with the wisdom and prudence of men in that capacity. Nothing is asked of the public in the report of the select committee:—nothing they have a right to ask; I therefore hope, as the request is perfectly reasonable, gentlemen will not be too hasty to oppose such a measure without due consideration. I therefore wish the further consideration of the business may be delayed; I could scarcely believe such a decision would have taken place in the Committee, and must believe, for the honor of the nation, that when gentlemen take time to reflect, they will not act so illiberal a part as to refuse so reasonable and harmless a request, when these people only ask the power to receive the voluntary support of individual benevolence.

Mr. MADISON said, the word “pecuniary” in the report of the committee did not correspond with his wishes; he wished the expression of the report might extend to all sorts of donations; if in order, he should move to strike it out. [The SPEAKER informed the member it was not in order to move an amendment after the Committee of the Whole had reported their disagreement. If the

House choose to concur with the Committee of the Whole, that report cannot be amended;—if they disagree, it may then be proposed, and recommended for the amendment.]

Mr. CRAIK.—I must confess, I feel as much surprised as my colleague on the decision which has just been given in the Committee of the Whole. Some gentlemen who opposed the report yesterday conceived there was some secret poison lurking within it—some dangerous principle not to be discovered on its face, which would some time produce baneful influences—this has been insinuated though not directly said. If so it must come there by accident, or of itself, which those gentlemen must allow if they will give themselves the trouble to examine the true principle of it, and give it a just decision. When we examine the materials of which this report has been formed, viz: the PRESIDENT’s communication on this subject in his Speech, and the memorial of the Commissioners;—we should be led by those gentlemen to believe, that this, which is the ground-work of the report, is connected to convey something which may extend further than it seems to carry its object; this perhaps is the secret poison hinted at. Were I in the situation of the PRESIDENT, I am free to confess, had I studied my own feelings and the great use of the institution, I should have recommended it. It has been justly said, that the PRESIDENT, from the impulsive importance of it, has taken this opportunity—this last opportunity to recommend it. He has recommended it with earnestness; which gives an additional proof of his sincere regard for the welfare of his country. I hope this will not be conceived in favor of the idea suggested. The Commissioners seemed to have anticipated the objections which have been made to a National University, and have purposely avoided inserting it in their memorial. They have cherished similar ideas which I have, of the eligibility of such an institution, but foreseeing that plan would not be approved they have relinquished that, and only requested incorporation to enable them to act in trust for the institution. They do not call upon this House to put their hand into the Public Treasury; they seem to have possessed somewhat of the prophetic, to see the necessity of forming their memorial so little objectionable; and yet there is supposed to be danger in this simple request. If, then, there is nothing in this report to be collected from the PRESIDENT’S Speech, nor from the memorial of the Commissioners to favor this idea, what then is there? Gentlemen who own property in that District have come forward, and, to their own disadvantage, offered ground to the support of it: why then, can it be supposed that some lurking evil awaits within? Although some observations have been made to show that the State Legislature had power to grant this authority, yet it is plain, as has already been proved, they have no such power. It has been said by some, that if they were satisfied the State had not that power, they would vote for the House to agree to the report. I do not see reason to go into the question how far the Legislature has a right to grant it, nor to inquire how far the

laws of the several States should operate on us; these are questions which are not at all involved. That district of country will not be at all under the power of the Legislature of Maryland after the year 1800, and were they to grant this charter, it would not be wise, just, nor equitable. They have determined in no instance to grant any charter or incorporate any society in that District, if it will interfere with the time at which it comes into the hands of the United States. It would be wrong in them to extend by any instrument their pretended authority beyond that time. And can the United States refuse its guardianship to an institution which is refused patronage from elsewhere on such an account as that stated? Surely not. This, then, I think must go completely to satisfy those gentlemen who have doubts that this House could not do that which the several States have power and authority to do.

It is clearly proveable from other causes that this State had no authority at all. Few objections have any validity now, that will not remain in force when the General Government removes there. Since, then, they would have had no difficulty to have obtained this of the State Legislature before the cession of this Territory to the United States, it will be an unfortunate change for them to be under the United States, peculiarly so, if refused this small request. It has a truly lamentable prospect.

Gentlemen have supposed a responsibility, a peculiar obligation to support it, would be attached to the United States, were they to give this privilege. As well as might it be said that Congress, by allowing a bridge to be built, or a road to be cut, would incur the expense, or if it could not otherwise be done for want of money in the applicants, would be engaged to do it for them at the national expense. If there are objections of force in one instance they will apply to the other. If this is denied it proves that District to be wretched outcasts, being denied a request the most reasonable, natural, and just that can be contemplated. Many of the objections urged, indeed most of them, against the admission of this report do not go so much to the exclusion of the measure, as to the danger of Legislative interference. Gentlemen say, if we move in it—if we put our hands at all to it, we pledge ourselves to effect it. If this is the situation with the people of Columbia, the year 1800 will be a woful year to them; this is an unhappy presage of the jurisdiction to be exercised on that country. If it is inexpedient for that District to have a Seminary of Learning, let gentlemen who could state it with truth, come forward and say so. If the objections of gentlemen are not grounded on the danger of this House pledging itself to support the institution nor on the inexpediency of such a thing in that District, I am at a loss, for my soul, to conceive on what ground their objections are formed. I was surprised yesterday to hear the opposition come from the quarter it did; and am equally surprised to find such an opposition now. In my view there is a very great want of Seminaries of Learning in that District.

If we take a view on the south side of the Potomac, for a considerable extent of country, there is no institution to answer any desirable purpose. There is the greatest probability of a rapid increase in the population. Is it not reasonable, then, that an institution of this kind should be established in that place? And if reasonable at all, are we to wait till the period arrives when the country is thickly inhabited before we commence a building and project the plan? I have long thought that in this young country such a thing was necessary. It should be now begun, to grow up with its growth and strengthen with its strength. We should now lay the corner-stone—the foundation to build upon. Though such a Seminary cannot be established now, it may fifty years hence; and it can never be too soon to commence a good institution. We are not called upon to travel into the fields of speculation for the purpose of finding funds to support this plan; there are funds which present themselves to view. We only want a grant to secure the benefactions in prospect. The *PRESIDENT* has employed a handsome benefaction for this purpose; and I much wonder that gentlemen from that part of the Union should oppose measures that would only encourage its reception. When I take a view of the extent of country which lies much in want of a Seminary, I feel surprised that such measures towards its growth should be denied.

If there are any gentlemen here who oppose the advancement and growth of that District which they have taken under their wing, they should come forward and declare it; we then should have ground to account for their conduct. If we are determined to deny these people common justice, we dispirit them. There is no circumstance which can occur that will tend so much to discourage the growth of that State; if we forbear to do them this justice, we exclude them looking up for those common rights which could be enjoyed in any other Territory of the United States. I hope this House will never deny to that people, rising into existence, this small privilege. Is it a strange thing, I would ask gentlemen, for a State to grant charters? I answer, no. And for this State to be denied this privilege only to secure a fund for such an excellent institution, I believe is quite a novel idea. I hope, if there are any doubts on this subject, they will lie over for future consideration; and I hope we shall be careful not to damp the attempts of that people by a conduct which could not be refused by any State in the Union; and that Congress should refuse it without assigning a sufficient reason, is unprecedented. I hope it will lie over for future consideration, and not be refused so quickly.

It was moved that the subject should lie over until the second Monday in January.

Mr. Corr was against a postponement. The subject, he said, had undergone considerable discussion, and he doubted not the House was as ripe for a decision then as they would be hereafter. To postpone was to protract the despatch of business, and consumed double and treble the

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time that would otherwise be occupied on any subject.

Mr. HARPER hoped the postponement would take place, because it would give gentleman an opportunity of putting the subject into such a form as to be more acceptable to the House, since the principal objection made to the report was founded on an apprehension that the House would be implicated in future expense, by agreeing to it. If some method of introducing the subject could be hit upon, which could obviate that objection, it was desirable it should be done. He therefore wished gentlemen to have time to do this.

Mr. NICHOLAS said, he did not rise to advance any thing new on the subject, but to remove something said by the gentleman from Maryland, [Mr. CRAIK.] He would not wish to be understood to say, that we, by refusing this, promise to support the institution, but that it would naturally be expected that we, having given sanction to it, dignity of Government, consistency of conduct, and many other considerations, will oblige us to support it. Any modification now made will avail nothing. By this act you invite donations to the object. If the matter is entered upon at all, it will end as has been supposed—in pecuniary support.

I beg leave to deny any intention of disregarding the wishes or wants of the people of that District. I think that disregard is not felt by any person here; and if such an opinion has gone forth, that gentleman must attribute it to himself. When up yesterday, I said, that if the people wanted any assistance towards erecting a seminary, I would render them all possible aid. But our officers, and they alone, are the projectors of this subject; it is not from the people that we are asked for this aid, it is from men who are sent there to manage business; but they are not the people.

Again: the PRESIDENT has recommended the measure. I would not be supposed to want a due respect either for those Commissioners or for the PRESIDENT; but, merely because recommended by them, we are not warrantable in adopting it. I never mentioned words tending to that idea, nor had any idea of refusing the request of that people, if coming from them; but this is not the case. I still contend that if this building goes on upon its present principle, it will be a National University. If you adopt the plan, if you begin the building, and it is left unfinished, it will remain a monument of reproach. I ask gentlemen, if they subscribed to the use of this institution, what would be their views? What the views of subscribers in general? Would they think of erecting a Seminary for a district of country ten miles square? Certainly not: it will be expected to be given to the use of the United States—to the support of a National University. It is deceiving the public to suppose or assert differently. I trust we shall negative the proposition of the committee; and when that people shall come forward to ask our aid to the establishment of a Seminary, then let us prove that it is not the request of the people we reject,

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although the views of a few individuals may not obtain encouragement.

Mr. BRENT said, he was at a loss to know how gentlemen could raise the objections which they had made to the report in question; he was sure they could not arise from the report itself: this did not recognise the University as a National University. The matter appeared to him to be simply this: that several individuals in the Federal city, who were greatly interested in its prosperity, were of opinion that an institution of this kind would not only advance the interests of the city, but be a mean of disseminating learning—they had therefore prayed an incorporation for the purpose. Why his colleague should call this a National University, and that, by a mere act of incorporation, they should pledge themselves to support it, was to him astonishing and incomprehensible. If any particular body of men should apply for an act of incorporation, by granting it should they pledge themselves to carry their scheme into effect? The thing was too unreasonable to be supposed.

Mr. B. said, if he was opinion that the incorporating of persons to receive donations for this University would oblige them to foster this establishment, he should be one of the first to object to it. He should object to it on Constitutional principles; because, whatever had been the practice of that House, he was of opinion that imposing a revenue for such a purpose would be unconstitutional, and arrogating a right which they did not possess.

Under the aspect which the subject before them bore, he trusted all objections to it would be withdrawn. A free Government, he said, had its foundations in wisdom; and the Legislature of such a Government ought to encourage every institution which tended to inform and enlighten the people: a contrary procedure was to stifle knowledge, and to introduce barbarism.

The SPEAKER reminded the House that the question of postponement was before them.

Mr. SWANWICK was against a postponement, because he thought the question could as well be decided then as at any future day. As the application now stood, he was ready to give it his negative, because he did not think it was proper to allow any charter to the Commissioners. If a charter was to be granted, it should be to the people themselves, and not to the Commissioners. He should therefore vote against agreeing to the report. He should have wished to have made some other observations on the subject, but in this stage of the matter he was doubtful whether they would be in order, and therefore he should withhold them.

Mr. GILES was in a favor of a postponement, not that he wanted time to consider the subject—he was ready to vote against it—but because the advocates of the measure wished it. He himself was opposed to all kinds of corporations; but he did not think the present subject had been fully discussed, and wished more time to be allowed for gentlemen to bring forward the question in

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any other way which they might think would be more acceptable to the House.

Mr. VENABLE said he was opposed to a postponement. It had been repeatedly said that there was nothing alarming or under cover in this report. For his part, he believed it to be connected with a National University, and that it was introduced in this shape because it was apprehended it would not pass if brought into the House without disguise.

Mr. V. wished the subject not to be postponed, because the Maryland Legislature was then sitting, and the Commissioners might apply to it, and get their business done; for, whatever might have been said to the contrary, he believed they could as well incorporate them, as foreigners to hold lands; a Navigation Company, Columbia Bank Company, &c; and if they could do this, he believed it would not be said, that when the Federal Government took possession of that District that corporation would not be valid. If a local Seminary was only intended, he thought this the best way of proceeding.

Mr. CRAIK believed that most of the acts which have granted charters to that District by the State of Maryland would expire before the year eighteen hundred; they consider that it is in the power of Congress, and it only, to extend beyond that term. Gentlemen, he said, had pretended much friendship for the people of the City of Washington, and differed much about the way to show it. The Commissioners are the proper organs of the people, through which to speak their will, and address themselves to this House; they act for the proprietors as well as for the public; and he knew no distinction that should prevent this report from approbation.

Mr. MURRAY said the arguments which had been used on the interference of the Legislature of Maryland could not now be decided, for which he thought it would be proper to postpone the matter. He believed they were not now in session, as they usually broke up about Christmas. Were gentlemen now to divide, they could not avail themselves of information from that Legislature, which would tend to throw light on the subject. He thought the nature of the subject such, that it would permit a delay of a few weeks, at which time most probably that Legislature would sit again.

The question for postponement was put and carried—ayes 37, noes 36.

RELIEF TO SAVANNAH.

Mr. W. SMITH moved to call up the resolution he yesterday laid on the table, respecting an allowance to the sufferers by the late fire at Savannah; when, on the sense of the House being taken whether it should then be considered or not, there appeared only sixteen votes in favor of it.

Mr. W. SMITH gave notice he should to-morrow again move to have it taken into consideration.

The House went into a Committee of the Whole on the bill for the relief of John Sears; which

was agreed to without amendment, taken up in the House, read a second time, and ordered to be engrossed for a third reading to-morrow.

WEDNESDAY, December 28.

An engrossed bill, entitled "An act for the relief of John Sears" was read a third time, and passed.

RELIEF TO SAVANNAH.

Mr. W. SMITH wished the House to resolve itself into a Committee of the Whole on the resolution, which he had the other day laid upon the table, proposing to afford some relief to the sufferers by the late fire at Savannah. For his part, he said, he could see no reasonable objection which could be made to so benevolent a proposition. A gentleman in the House had got a plan of the ruins of the city; it was, indeed, a most distressful scene. There had never occurred so calamitous an event of the kind in the United States, or which had so strong a claim upon the General Government for relief. He said they had granted assistance to the sufferers by fire at St. Domingo; and surely if it were justifiable to grant relief to foreigners in distress, it was at least equally so when the objects were our own citizens. If gentlemen had objections to the measure, he wished they would state them. The sum with which he should think of filling up the blank would not be such as to materially affect our finances.

Mr. MILLEDGE said, if the unfortunate had any claim upon the Government for relief, none could have greater than the citizens of Savannah. Few houses, he said, were remaining of that city, and those few were the least valuable. Not a public building, not a place of public worship, or of public justice—all was a wide waste of ruin and desolation, such as scarcely could be conceived, and as it were impossible to describe. He hoped some relief would be afforded to distress so unexampled.

Mr. COOPER said, it was a very unpleasant thing to come forward to oppose a measure of this sort; but, when they looked into different parts of the Union, and saw the losses which had been sustained at New York, Charleston, &c., it would appear only reasonable that, if relief was afforded in one case, it ought to be extended to another; and, if this resolution were agreed to, he should certainly move to have some relief afforded to New York. He hoped, however, the business would not be proceeded with. If the principle were a good one, it would bear going through with; but it would be seen this would, on the contrary, prove a dangerous one. What they did to-day, he said, should bear repeating to-morrow. If they were to make good losses by fire, there would be no occasion for insurance companies, nor any inducement to build with brick in preference to wood. He felt as much as others for the distresses of the people of Savannah, but was of opinion it was not a proper business for the interference of that House.

Mr. W. SMITH agreed with the gentleman last

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up that this would be considered as a precedent; he agreed that they ought not to do that to-day which ought not to be done to-morrow. It might be brought forward as a principle upon which we should be bound to relieve New York or Charleston; but the question is, whether this is not a distinct case? This is a case awfully distinguishable from all others; and, if a caselike the present will not be often found, this House are certainly not bound to grant relief in others, though in this. He trusted such a case would not be again found to solicit relief. Charleston, he said, had experienced a great calamity by fire, but had not asked relief of that House; and it was probable if it had it would not have been granted, because its distresses are not so great. In a distressing situation like that now before us aid can be afforded by the many towards alleviating the distresses of the few. Hence arises the advantages from public contributions; and would that House, he asked, refuse their assistance? It would not be felt by the public purse. It has been said, to adopt this resolution would have a dangerous tendency, inasmuch as it would encourage a neglect of insurance. But the evil has come; the unfortunate circumstance has occurred; four-fifths of that unfortunate city has been destroyed, and their distress is great. Such a circumstance may not again happen for a century. The amazing value of £500,000 sterling damages is done; and shall we refuse to give a trifle to assist, with others, towards removing the present distressed situation of some of the unfortunate inhabitants? I trust not. It is not asked of this House to indemnify the loss of these sufferers. No, sir; it is only asked that the General Government should give the trifling sum of fifteen or twenty thousand dollars to afford these people some relief.

We have heard of New York and Charleston; but in which of those cases is this calamity to be compared to Savannah? The distress of Savannah is more than twenty to one. It is like a grain of sand struck off from the mountain. I wish gentlemen to give themselves the trouble to draw the comparison.

The citizens of New York are rich. That is a flourishing town; it is rich enough to afford itself relief when applied to. Though a sad calamity, it will scarcely be felt—the flourishing state of its commerce will soon repair the damage. But Savannah wants means to alleviate its own distress. Not only the property is destroyed, but the means to obtain more. What are they to do? Where obtain its former opulence or enjoyment? They can look no where but to their neighbors and to the Government for assistance.

We are told of Charleston. But the calamity there is not more than in the proportion of ten to one with that of Savannah. In Charleston there was immediately \$30,000 subscribed to alleviate the distresses of those people whose property was destroyed. But this cannot be the case in Savannah. Where is \$30,000 to come from there? Who are to subscribe it? All the means are destroyed, and they have nothing left but suffering. The

calamity there is infinitely greater, and the means infinitely smaller to repair it.

Then, sir, if this be the case, where is the harm to ask a benefaction from the public Treasury, when it would not be felt? Suppose we were to grant \$30,000, what is it to the people of this country? Nothing at all; but it is sufficient to draw down on this House the blessings of that people.

This, therefore, cannot come under the same principle. It is an unprecedented calamity; and, if a similar circumstance should ever occur, which is improbable, I think they should obtain relief.

The question was then put for the House to resolve itself into a Committee of the Whole on the subject, and lost—yeas 38, nays 39.

It was then moved that the Committee be discharged from the further consideration of the subject.

Mr. W. LYMAN hoped the business would not be disposed of without going into a Committee of the Whole. He thought more respect was due to the feelings of the sufferers than to dispose of the subject without discussion. He hoped the committee would not, therefore, be discharged.

Mr. HARTLEY trusted the committee would not be discharged. He believed the destruction of Lisbon by an earthquake did not occasion greater mischiefs than the late fire had done to Savannah. The Legislature of Pennsylvania, which had no greater power than the General Government to afford relief to these sufferers, had given \$15,000. Indeed, he thought it more the province of the General Government than of State Governments to afford relief in such cases.

Shall we, said he, treat the citizens of Savannah with more disrespect than the people of St. Domingo? This House then gave \$10,000 or more for the relief of those people, and shall we not now have liberty to discuss the subject, whether to give or not to our own citizens? Although, he said, he would not wish to draw a precedent from English transactions, yet he would observe that their generous benevolence to the unfortunate sufferers by the earthquake at Lisbon, though only commercially acquainted, was worth imitation, to whom they gave £100,000. Mr. H. was sorry gentlemen should endeavor to prevent this by bringing in the calamities in New York and Charleston. Those were only personal losses; this was a general conflagration, a catastrophe unprecedented; and he hoped, for the sake of humanity and national honor, this House would never withhold relief.

Mr. KITCHELL thought there would be propriety in determining at present whether it should be granted or not. There was application going about to the different State Legislatures for relief, and, if it was suffered to lie on the table in this House, he thought it would much injure the applicants, by leaving the different Legislatures in uncertainty what to do, and perhaps preventing their giving a donation towards this purpose. He said, he felt as much as any man for the deplorable state of this people, and, if it was consistent with the Constitution, would wish them to have

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relief. But, said he, let us now decide. If it is unconstitutional, I would not wish to grant it; and, if we are not now to grant relief, let the committee be discharged, to open the way for other benefactions.

Mr. SPRIGG hoped the committee would not be discharged, but that they would go into the business at an early day. He said, he had not made up his mind how far they had power to afford relief in a case like the present. There was an instance in the relief afforded to the daughters of the Count de Grasse, as well as that given to the sufferers at St. Domingo. He wished for further time to make inquiry on the subject. If there were not insuperable objections to the measure, he hoped relief would be afforded.

Mr. HARPER acknowledged that it was sound policy in Government to keep a strict eye over its Treasury; but this watchfulness ought not to go to the rejection of all claims, however just and proper. He thought the tenaciousness of approaching the Treasury was carried too far in the present instance. He would ask, what was the use of society if it were not to lessen the evils of such calamities as the present, by spreading them over the whole community, instead of suffering them to fall upon the heads of a few individuals? He thought it the duty of Government to alleviate such peculiar distress as the present. It was said this would prove a dangerous precedent, and prevent necessary provisions against fire. If they were about to make good the whole of the £500,000 destroyed, there might be some ground for the alarm; but when fifteen or twenty thousand dollars only were contemplated to be given, no great danger could surely be apprehended. The fires at New York, Baltimore, and Charleston, had been mentioned; but what were the means of Savannah when compared with New York? Not as one to twenty. New York was rich enough to bear her loss, but this could not be said of Savannah, all the inhabitants of which were reduced to poverty and distress. They could not, therefore, get relief from their fellow-citizens; and to whom could they look for protection and relief with so much propriety as to the General Government? When compared to Charleston, the loss of Savannah was of ten times the magnitude as that experienced by it. The loss of Charleston was alleviated by a subscription of \$30,000 from its own citizens, besides the handsome contributions which were made in other parts of the Union; but there was no property left in Georgia to afford relief to the sufferers. Suppose, said Mr. H., we were to give thirty thousand dollars towards this loss, what would it be when divided among the whole Union? And yet it would be enough to draw down countless blessings upon us from these objects of distress. He hoped, therefore, the committee would not be discharged. It was a case of peculiar and almost unprecedented affliction, such as he hoped would not again occur; and a decision in their favor would be applauded by every man, woman, and child in the Union.

He believed it a case not merely supported by

justice and right, but nearly attached to the finest and most noble feelings of the heart; he believed it would meet the feelings of every man of wisdom to afford relief. He hoped, therefore, that the merit and importance of the resolution would induce the House to let it lie over for future consideration.

Mr. SMITH said, if gentlemen's feelings were not to be applied to, policy ought to influence the House to grant relief to that town. Savannah, it was well known, was a considerable commercial city, and by that fire a very material part of our revenue was sunk, and if it could not obtain necessary assistance, it would be felt more than the grant of this sum to its support. It would be the general interest of the Union to restore that trade as soon as possible. He hoped, therefore, as the motion for commitment was only lost by one vote, the House would reconsider it.

Mr. SITGREAVES wished to know whether it was in order to move to reconsider the vote which had just been taken?

The SPEAKER said the present question must first be disposed of.

The motion was then put for discharging the Committee of the Whole, and lost, there being only twenty in favor of it.

Mr. SITGREAVES observed, that he voted with the majority in the decision on the first question, which had been taken; of which he wished to move a reconsideration. Very few questions had occurred since he had been a member of that House on which he could not determine within himself how to act. On the present occasion, he had however suffered a conflict between opposite feelings. He had doubts whether they had the right of appropriating money except for the public service of the country; at the same time, he was convinced, that if ever there was a claim on the humanity of the public, Savannah at present exhibited that claim; and he must own that his feelings had, at length, vanquished his doubts; and, though he originally voted against taking up the measure, he should now vote for it. He was not sure whether he should not commit an error in doing this; but if it was an error, he hoped it was an amiable one, and one which would be forgiven.

The question was then taken for going into a Committee of the Whole on the subject, and carried by a considerable majority, there being 45 votes for it.

The House accordingly resolved itself into a Committee of the Whole, when

Mr. W. SMITH said, he did not propose to fill up the blank at that time. If the resolution was agreed to, the sum could be put in when the bill came into the House. He himself should not think of proposing to fill the blank with more than 15,000 dollars. This, it was true, was but a small sum, but it would afford relief to the poorer class of sufferers, and others could not expect to receive the amount of their losses. He should move that the Committee might rise and report the resolution.

Mr. HARTLEY called for the reading of the act

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allowing relief to the sufferers by fire at St. Domingo. [It was read. It allowed 15,000 dollars for their relief, which sum was to be charged to the French Republic, and if not allowed in six months, the relief was to be stopped after that time.]

Mr. MACON wished the act allowing a sum of money to the daughters of Count de Grasse to be read also. He did not think either of them in point. The sufferings of the people of Savannah were doubtless very great; no one could help feeling for them. But he wished gentlemen to put their finger upon that part of the Constitution which gave that House power to afford them relief. Many other towns had suffered very considerably by fire. He believed he knew one that had suffered more than Savannah in proportion to its size: he alluded to Lexington in Virginia, as every house in the place was burnt. If the United States were to become underwriters to the whole Union, where must the line be drawn when their assistance might be claimed? Was it when three-fourths or four-fifths of a town was destroyed, or what other proportion? Insurance offices were the proper securities against fire. If the Government were to come forward in one instance, it must come forward in all, since every sufferer's claim stood upon the same footing. The sum which had been given to the sufferers at St. Domingo was to be charged to the French Republic, and that given to Count de Grasse's daughters was in consideration of their father's services. But New York had as great right to come forward and expect relief as Savannah. He felt for the sufferers in all these cases, but he felt as tenderly for the Constitution; he had examined it, and it did not authorize any such grant. He should, therefore, be very unwilling to act contrary to it.

Mr. RUTHERFORD said, he felt a great deal of force on what gentlemen had said. There were two circumstances which were perfectly conclusive in his mind. He saw it our duty to grant relief from humanity and from policy. Savannah was a city of a minor, helpless State; it was a very young State, yet it was a part of the Union, and as such, was as much entitled to protection as any State under such a dire misfortune; and it became Congress to alleviate their great distress. They have lost much; they have, many of them, lost their all. To say we will not assist to relieve, when almost every State in the Union is putting their shoulders to support these people's burden, is wrong. The State of Pennsylvania has done itself immortal honor in the relief it has afforded, and shall we not help to support this part of the family in their distress? This State is a branch of the great family of the Union; it would be, in my idea, extremely inconsistent to neglect them. He hoped the motion would be adopted, and he hoped it would never be said that the General Government refused to provide help in such a poignant distress occurring in one of its principal towns.

Mr. HARTLEY said, that the gentleman from North Carolina [Mr. MACON] had voted against both of the bills which had been referred to. He

knew no difference between the Constitution of the United States and that of Pennsylvania, yet a vote in their House had been carried unanimously. He thought the law for the relief of the sufferers of St. Domingo perfectly in point; for, notwithstanding what was said about negotiation, the distress of those people had consumed all the money before the six months were expired. If ever there was a case in which they could grant relief, this was one. The losses at New York and Charleston would bear no comparison with that of Savannah; they were rich and flourishing places, whilst Savannah was a small city of a new State, and the sufferers generally poor. He hoped, therefore, the resolution would be agreed to.

Mr. MOORE said, the laws which had been adduced as precedents were not in point; for the one sum we were to have credit with the French Republic, and the other was in consideration of past services. The distress of the people of Savannah was not an object of legislation; every individual citizen could, if he pleased, show his individual humanity by subscribing to their relief; but it was not Constitutional for them to afford relief from the Treasury. If, however, the principle was adopted, it should be general. Every sufferer had an equal claim. Lexington, in Virginia, contained only one hundred houses, and all except two had been destroyed by fire. He should therefore move to add Lexington to Savannah in the resolution before them; though he would observe, as he did not approve of the principle, he should vote against them both.

Mr. W. SMITH wished gentlemen not to endeavor to defeat the proposition before them by an amendment. He did not think there could be a comparison made between the distress occasioned by a fire in a small town and one in a populous city. The destruction of Savannah was a great loss in a national view, as it would cause a considerable defalcation in the revenue, and probably any money they might advance for the relief of the citizens would be amply compensated, by enabling the city the sooner to resume its former importance in the commercial scale.

Mr. VENABLE did not see the difference between the two cases which was so distinguishable to the gentleman last up. Because Savannah was a commercial city, its distress, according to that gentleman, was indescribable, but when a like scene was exhibited in a small town, it was no longer an object which touched his feelings. His humanity went no where but where commerce was to be found. He asked whether the United States might not as well lose revenue in the first instance, as put money into the people's pockets to pay it with? Humanity was the same every where. A person who lost his all in a village, felt the misfortune as heavily as he who had a like loss in a city, and perhaps more so, since the citizen would have a better opportunity by means of commerce of retrieving his loss. He was against the general principle, as he believed, if acted upon, it would bring such claims upon the Treasury as it would not be able to answer.

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Mr. MURRAY thought the gentleman from Virginia [Mr. VENABLE] carried his idea of relief too far. He had no idea that that House, or any Legislature, could undertake to make good individual misfortunes. He was of opinion that the lines which separated individual from national cases, were very observable; the one was happening every day, the other seldom occurred. When a large town is burnt down, and that town is an important Southern frontier town, it is surely a national calamity, and has a claim upon the humanity of the country. It was true, the claim was not of such a nature as to be brought into a Court of Justice, but it was a calamity in which the whole nation sympathized. It was not only a claim upon the humanity of the nation, but also upon its policy, as, by restoring it to its former situation, it would be able to bear its wonted part in contributing to the revenue of the country, and would continue to carry population, arts, and wealth to that distant part of the Union. In case of war, Savannah was a most important place. It was necessary the Union should have a town in that situation, and he could not consider any money which might now be advanced as given away, but as lent to that town, which might enable it, in a few years, to resume its former situation, whilst the withholding of it might prevent its ever rising from its present ruins.

Mr. KIRCHELL was opposed to the amendment and to the resolution itself. He had doubts if even they were to give the citizens 15,000 dollars, as was proposed by the gentleman from South Carolina, whether they should not, instead of service, be doing them an injury; because, if the General Government were only to give this sum, the State Legislatures would proportion their donations accordingly, and probably give much less than they would otherwise have done, if they had not had this example before them. He had doubts as to the constitutionality of the measure; he thought the Constitution did not authorize them to make such a use of public money; however he thought it might be a very flexible instrument; it would bend to every situation, and every situation to that. He thought, in this instance, if we grant money, while we attempt to serve, we shall eventually injure. As to what the gentleman from Virginia says of Lexington, Mr. K. thought it had been fully relieved; however he should vote against both propositions.

Mr. PAGE said, that he was sorry that his colleague had made this amendment, as he had done it with a view to defeat the original resolution. If humanity alone were to direct his vote upon this question, and if the amendment had been proposed more early and singly, he might have voted for it. But that not being the case, it, as well as motives of general policy, influenced him in favor of the original motion. He had reasons which could not apply to the amendment. He should vote against it. He was bound by order to confine himself to the single question before the committee. This is, Shall the amendment be received or not? He declared it as his opinion that the case of Lexington ought not to

be connected with that of Savannah, which had been, as stated by the member from South Carolina, materially different. He was restrained by order from entering into the merits of the original resolution, but he thought that he had a right to hint at the motive of policy which would apply to the resolution, and not to the amendment. This was, that Savannah being an important place, it would be wise and politic to prevent its revival from being owing to any other aid than that of the General Government of the United States. It ought not to be under obligations to individuals, or single States, and much less to a foreign Power.

Mr. HARTLEY hoped the amendment would not prevail. If the loss of the people at Lexington had been greater than they could support, they would doubtless have applied to the Legislature of Virginia, but he had not heard of any such application having been made. He agreed with the gentleman last up, that the General Government ought to relieve distresses of this kind.

Mr. MURRAY inquired when the fire happened at Lexington?

Mr. MOORE answered, about nine months ago. He thought it was the duty of the United States first to pay the claims which were made upon them by distressed soldiers and others for past services, who were denied justice because they had passed an act of limitation. If they were to act from generosity, he said that generosity ought to be extended universally. It was a new doctrine that because a sufferer by fire did not live in a commercial city he was not equally entitled to relief with the inhabitants of a city, and that though such persons were called upon to contribute to the losses of others, they could have no redress for their own. This seemed as if favorite spots were to be selected upon which special favor was to be shown. He was opposed to all such humanity.

Mr. CLAIBORNE was against the amendment, but he hoped the resolution would be agreed to. He was sorry any gentleman should propose an amendment like this, purposely to defeat a motion which would tend to relieve such sufferers as those of Georgia must be. He was not certain whether he could vote upon Constitutional grounds or not. It was a sharp conflict between humanity to that suffering country and the Constitution. If any case could be admissible, he thought this could; it ought to be remembered, that that part of the Union has suffered much. Georgia was a slaughter-pen during the war, besides being continually harassed by the hostile Indians. He thought 15,000 dollars would not be ill-spent, as from motives of policy it would be of more advantage to the United States from the quick return the revenue would gain. Indeed, if Constitutional, he hoped the sum would be made more than proposed. These are your fellow-citizens who are suffering, and if not speedily relieved, the whole interest will be involved. If in order, he would vote that the Committee rise, to enable him and, perhaps, many others, to consult whether relief could be constitutionally granted? He said he felt a great propensity to do it.

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The motion was put and negatived.

Mr. HARPER hoped the amendment would be rejected, for the same reason that he hoped all amendments which were brought forward with the same view with which it was produced, viz: to defeat the original motion, might be rejected. He thought every proposition should stand or fall upon its own ground. He wished that of his colleague to do so. Mr. H. insisted upon the dissimilarity of the two cases, and that the distinction of great and small calamity was sufficient to distinguish the two cases. With respect to the constitutionality of affording the relief in question, that had already been determined by the several instances which had been quoted, which were also founded upon humanity. The present case might justly be included under the head of promoting the general welfare of the country. Gentlemen who doubted the constitutionality of the present proceeding, had done the same in the instances alluded to. But, since their doubts had been so frequently overruled, he hoped they should hear no more of them. With respect to the policy of the measure, Savannah, he said, was the only considerable port, except Charleston, which the United States had in that quarter. It was situated at the mouth of a river which watered a space of country containing a thousand square miles. The average revenue of this city was \$76,000. Was not this an object of importance? Was it not an object to foster, to relieve the distresses of such a place? Many great statesmen had employed themselves in founding cities, and should they not hold out a helping hand to one in distress? Peter the Great founded a city upon a morass, and Louis XIV. attempted to build one in the English channel. He trusted the American Government would have more wisdom than to see one of her's sink for want of a little timely assistance.

The question was put on the amendment and negatived—there being only 26 in favor of it.

Mr. BALDWIN said, he had doubted whether to make any observations on this motion; not that he was insensible to the calamitous situation which had been the cause of it, but from an apprehension that it might be thought he was too strongly affected by it. Though it might be disagreeable to one to give his judgment and urge his opinions, when his own relation to the question was different from that of others, yet some of the reflections might not be useless to those who were to determine it. He was sure it was not a want of disposition to relieve the unhappy sufferers that had or would draw forth an observation on this occasion, but merely doubts as to the powers of the Federal Government in money matters. The use of a written Constitution, and of that provision in it which declared that no money should be drawn from the Treasury but under appropriations made by law, was very manifest from the caution which it gave in the expenditure of public money and in laying burdens on the people; yet he believed it impossible to obtain absolute directions from it in every case. The objection is, that Congress is empowered to

raise money only to pay the debts and to provide for the common defence, and the other purposes, exactly as specified in the 8th section. The objection has often been made, but many laws have passed not exactly specified in that section. He mentioned the private acts before alluded to, the law for establishing light-houses, to aid navigation in the improvement of harbors, beacons, buoys, and public piers, establishing trading-houses with the Indians, and some others, to show that though the Constitution was very useful in giving general directions, yet it was not capable of being administered under so rigorous and mechanical a construction as had been sometimes contended for. He begged leave to ask and to urge the question, whether there was no possible accumulation of calamity and distress that might be brought upon some part of the country which would justify the Federal Government in granting some relief? No doubt the usual pressure of private misfortune is relieved by the poor-laws and other acts of the State Governments; but, suppose a State belonging to this Union, the greater part, or, perhaps, the whole, was situated on an island, and that at once, by some of the great causes which we know operate in Nature, by tremendous convulsions and earthquakes, it was to be thrown into such a situation as some parts of the world have been, not only the whole property of the wretched survivors destroyed, but their place no longer habitable, would the Federal Government think they had no powers even to grant them some of their new land as a place of refuge? He was sensible that he had put a case so strong that the bare mention almost seemed improper, and that the mind of no gentleman could follow him to that extent. He only wished to establish the principle that there were possible instances in which it would be the duty of the Federal Government to interpose relief. Whether the present calamity was so great and the distress so pressing, that proper relief was scarcely to be expected from the State where it happened, was a question which he must leave to their determination. He was sure they could not want for inducements from the nature of the scene, or from their own dispositions. He could not wish to heighten the coloring in which it stood before them.

Mr. RUTHERFORD again rose in support of the motion. Is it not clear, he said, that it is the duty of the people at large to come forward at this time and hold up the helping hand to those poor distressed people? He presumed the rising dignity of this great Confederation demanded mutual assistance in distress. If the people are left to recover of themselves from this terrible dilemma, the nation will suffer. It is the duty and the interest of this rising nation to help the people of Georgia; it is a part of this great family, and demands assistance from every member. This idea should be conclusive. But for gentlemen to say the law is to have its full operation at this time, is saying nothing at all; it is pouring cold water upon their distresses; it is as though you were to say to a man that is drowning, stay awhile and

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we will come and assist you. This would be poor comfort. Policy, humanity, and justice, should prompt the House to the noble action. If one part of a system is injured the whole suffers by it. All the generous feelings of the human heart call aloud for help, and I hope we shall grant it.

Mr. NICHOLAS said, he meant to have given a silent vote upon this subject, and have left other gentlemen to follow their own inclinations in the business; but an attempt had been made to ridicule the opinion which he and others held of the sacredness of the Constitution. In reference to what had fallen from the gentleman from Georgia, he said he had never heard it said that no individual instance could occur which might be an exception to a Constitutional rule. He had never heard that our laws should be so general as to admit of no latitude, or that money should never be expended but for payment of debts or for defence.

Mr. N. said, he was not satisfied with the distinction made on this occasion, viz: that if a few inhabitants of a small town experienced loss by fire they were not entitled to consideration; but, if the same calamity happened in a large city, it had a claim upon them for relief. He wished to know whether they were about to do what ought not to be left undone? There was no case in which they were at liberty to act or not. If they were bound to afford relief then, were they not equally bound at any future period to afford relief in similar cases? If the thing was right and proper, relief ought to be commensurate with the distress, otherwise they did not do their duty. If it was otherwise, the thing was arbitrary and a whim. If he voted for relieving this case he should feel bound to relieve every future distress by fire. When an amendment was lately under consideration, it was said to be improper, because the evil was of less magnitude than the present. It was not so; it was an explanation of the subject. The gentleman from South Carolina said he had not heard of that fire. That gentleman lived near Savannah, and other considerations besides those of humanity might influence his conduct on the present occasion. Gentlemen had said they stood in the same situation as individual States. That opinion, he said, had gone too far. The General Government had no power but what was given to it, but the State Governments had all power for the good of their several States. If the general welfare was to be extended (as it had been insinuated it ought) to objects of charity, it was undefined indeed. Charity was not a proper subject for them to legislate upon; and, if this resolution were to pass, all the power of which they were possessed would not be adequate to raise funds to answer the demands which would be brought against the Treasury.

Mr. GILES said, if the present resolution passed it would make them answerable for all future losses by fire. The small sum of \$15,000 was not of any consequence when compared with the establishment of a principle of that House acting upon generosity. He believed that neither the money nor humanity, but the establishment of

the principle, was the thing aimed at. The unanimity with which a resolution had passed the Pennsylvania Legislature, was a proof that they believed they had the power to pass such a law. It was said the General Government possessed the authority. The gentleman from Georgia had said that "affairs of men" made it necessary to depart from the strict Constitutional power. For his part, he did not think they ought to attend to what "the affairs of men" or what generosity and humanity required, but what the Constitution and their duty required.

The authority of that House, he said, was specified, beyond which they ought not to go. This was a principle not within the Constitution, but opposed to it.

There had, he said, been several cases introduced. That of the sufferers of St. Domingo was not a case in point. They looked for a reimbursement of the money. He believed it had been repaid. And when the daughters of the Count de Grasse had \$4,000 given them, it was thought to be necessary to introduce their father's services as a consideration. His feelings, he said, were not less alive to the calls of humanity than those of other gentlemen; but, by granting the money required, they should go beyond their powers, and do more real injury than good.

Mr. W. SMITH said, that gentlemen had spoken of a sum in contemplation; but the question was not on the sum to be granted; that would be for future consideration, and if gentlemen wished to make it commensurate with the object, they could do so. The present question was, whether any relief should be granted? He wished gentlemen would say whether no case of calamity could exist in which the United States ought to grant relief? He believed every one admitted such a case might occur. The question was, whether this was the case? He trusted it was, since it was an unexampled calamity.

The precedents which had been adduced appeared to be no more strongly warranted than this. First, with respect to the relief granted the sufferers at St. Domingo. In order to make the thing more palatable, it was said that sum should be charged to the French Republic. It was provisional, and the fact was they had not admitted it, and the United States paid it. In reference to the relief granted to the daughters of Count de Grasse: it was said to be for services. Did the daughters perform any services? No, but the father did. But did the Constitution of the United States acknowledge any hereditary claim of this sort? He believed not. This was a mere pretence. It was an act of generosity. Another case occurred to him, which had not been mentioned, viz: the recompense allowed to persons who suffered from the Western insurrection. Was this authorized by the Constitution any more than the present? He believed not.

Gentlemen had said, that the Legislature of Pennsylvania had a right to grant relief. Mr. S. asked, what right they had to grant relief to the people of Georgia more than the Representatives of the United States? These are their own citi-

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zens, the people whom they represent, and as such ought to feel for and alleviate their distresses.

A gentleman from Virginia [Mr. MOORE] had said we should not grant the relief to those people because we have not paid our debts. Is this a reason? Will a man say he cannot give to the unfortunate because he is in debt? Were that the case perhaps people of the greatest opulence would be as entitled to excuse as any other. Men in great business are seldom out of debt; but they may with safety be generous and charitable. The claims of those soldiers and other petitioners referred to by that gentleman, ought not to be considered as a debt. No claim, he said, which was justly due, was refused payment. A certain time was set at which all claims were to be brought in, and would have been discharged. Such as were not, except in very particular cases, were rejected. This was a necessary measure, and generally approved of. Then surely those claims which were barred by this act of limitation could not be considered a debt.

This argument, Mr. S. said, would not do: because a man owed a little money, or another chose to say he did, he was not to be charitable. He thought the House fully authorized to grant relief in this case.

In examining different cases, Mr. S. said, he found that of the widow of Major Forsyth, and also that of the orphan children of Major Trueman. Gentlemen would perhaps say that these were cases where the husband and ancestor had rendered services to the United States; and he had no doubt that the ancestors of those sufferers at Savannah, and perhaps the sufferers themselves, had rendered services to the United States. If gentlemen pleased, therefore, the words, "in consideration of services performed," &c. might be inserted.

It has been said, that if the proposed donation was made by Congress, it would lessen the claim of the sufferers upon individual States. He thought differently. He thought it would show that Congress believed their case a hard one, and deserving of attention. But another thing: it was not probable that any of the Legislatures would be in session for some time, except one or two. How, then, were the sufferers to be relieved? The few thousand dollars they had yet got would be a mere bagatelle towards their immense loss. He hoped, therefore, the resolution would be agreed to.

Mr. CORR said he should vote against this resolution, though he felt as much for the distresses of the people of Savannah as any gentleman in that House. Nor would his objections be on Constitutional grounds. He thought where there were calls of generosity and humanity on the National Treasury sufficiently strong, he should vote for paying attention to them. The present, he said, was a call of humanity from the people of Savannah; the call was loud, and ought to be satisfied by somebody. The question was, whether it was made with propriety to them? He thought not; and that to agree to the resolution would be laying a dangerous precedent. He conceived the

instances which had been adduced as precedents for the present case were not in point. The application was from foreigners to the feelings of this Government, which he thought had been attended to with propriety. But, he said, there was an obvious distinction between the two cases. There was no probability that a foreigner would be listened to by a State Legislature. This was a reason which did not apply to this case. Major Forsyth and Major Trueman had died in the service of the United States; their families, therefore, seemed to have a just claim for protection. The Western insurrection was a very different thing: the grant was in consequence of exertions in favor of Government.

Mr. C. said it appeared to him, from a variety of reasons, that this subject would be best left in the hands of the individual States. The greatest difficulty attending this Government was, the providing of money to support its necessary expenses. Considering this, therefore, as a precedent likely to draw great sums from the Treasury, he wished to avoid giving it place.

Mr. W. SMITH said that this sum could not be a serious inconvenience to the Treasury, as gentlemen knew there must be additional revenue provided. Indeed, it might be an advantage to the Treasury, as it might put the people of Savannah in a state of paying revenue, which otherwise would not be the case.

Mr. CLAIBORNE said, the more he heard, the more he found himself in favor of the resolution. By the discussion it had undergone, he was inclined to think it was, perhaps, reconcilable with the Constitution; perhaps it was, he said, for he was not certain. The annual revenue, he said, of that place, was seventy thousand dollars to the United States, besides the great consideration of it as a frontier town. He had compared the advantages and disadvantages with respect to its relief in his own mind, and thought it would be highly consistent with policy to grant relief. It was a place which had been in great distress, and had great struggles with enemies in times past. Can it be possible to suppose that we have not power to assist in erecting that place again, and putting it upon a footing to do good to the United States by a return of her revenue? Certainly not. Would the Committee be willing that Savannah should be erased from the revenue? Are they willing to let it rest, and lose it? This is impossible. Then, surely, it becomes policy to give aid towards its re-erection. Unless the people do receive some aid, it will be a long time before seventy thousand dollars will be again produced from the revenue of that place.

For what purpose was it, Mr. C. asked, that money was spent to erect trading-houses in the back countries? He answered, for the general welfare; for the support of trade, and the increase of the revenue. So will a small sum given towards the relief of this suffering town. If there could be reason to grant money to the widows of Major Forsyth and Major Trueman, there surely must be as much to do this. That he supposed was done for the public good, and this he thought

would equally apply. He was forcibly impressed with a sense of its being proper and right to grant this relief; he thought his constituents would be willing to do it, and with pleasure. Except something more consistent with reason and the general good was advanced, more than he had heard, he should vote for the resolution.

On a division on the question for concurring with the report of the select committee, twenty-six members only rose in the affirmative; it was therefore not carried.

The Committee then rose and reported their disagreement, when the House took it up.

The question was then taken, and the yeas and nays demanded, "that the House do agree with the Committee of the Whole House in their disagreement to the motion," and resolved in the affirmative—yeas 55, nays 24, as follows:

YEAS.—Theodorus Bailey, David Bård, Thomas Blount, Theophilus Bradbury, Richard Brent, Samuel J. Cabell, Gabriel Christie, John Clopton, Joshua Coit, Isaac Coles, James Davenport, George Dent, Abiel Foster, Jesse Franklin, Nathaniel Freeman, jr., Ezekiel Gilbert, William B. Giles, James Gillespie, Nicholas Gilman, Chauncey Goodrich, Christopher Greenup, Roger Griswold, William B. Grove, Carter B. Harrison, John Hathorn, Jonathan N. Havens, James Holland, Andrew Jackson, George Jackson, Aaron Kitchell, John Wilkes Kittera, Edward Livingston, Samuel Lyman, William Lyman, Samuel Maclay, Nathaniel Macon, Andrew Moore, Anthony New, John Nicholas, Josiah Parker, Francis Preston, John Reed, Samuel Sewall, Nathaniel Smith, Isreal Smith, Richard Sprigg, jr., William Strudwick, John Swanwick, Zephaniah Swift, Richard Thomas, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, Peleg Wadsworth, and John Williams.

NAYS.—Abraham Baldwin, Dempsey Burges, Thomas Claiborne, William Craik, George Ege, Dwight Foster, Henry Glen, Andrew Gregg, Robert Goodloe Harper, Thomas Hartley, William Hindman, Francis Malbone, John Milledge, Frederick A. Muhlenberg, William Vans Murray, John Page, Elisha R. Potter, John Richards, Robert Rutherford, John S. Sherburne, Samuel Sitgreaves, Jeremiah Smith, Isaac Smith and William Smith.

THURSDAY, December 29.

GEORGE HANCOCK, from Virginia, appeared and took his seat.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying an account of the receipts and expenditures for the year 1795; which was read.

Also, another Letter, transmitting a report and sundry statements, exhibiting a view of the Debts of the United States on the first day of January, 1790, 1791, and 1796, pursuant to a resolution of the House of last session; which, with the above Letter, was referred to the Committee of Ways and Means.

CANADIAN REFUGEES.

Mr. WILLIAMS moved for the order of the day, that the House resolve itself into a Committee on the reports of committees to whom were referred

the petitions of sundry refugees from Canada and Nova Scotia.

The first resolution read from the last report of the select committee on this subject, was in these words.

"*Resolved*, That the prayer of the petitioners, Joseph Green and others, from Canada, praying a bounty in lands and other pay, for services rendered in the late war with Great Britain, ought not to be granted."

This resolution was agreed to. The second was thus:

"*Resolved*, That a tract of land, not exceeding — acres, be laid off Northwest of the Ohio river, beginning at the mouth of the Great Miami, and extending down the Ohio, not exceeding three times the breadth in length, be immediately appropriated to compensate the refugees from the British provinces of Canada and Nova Scotia, pursuant to the resolves of Congress of the 23d April, 1783, and the 13th April, 1785."

Mr. WILLIAMS hoped the situation of the land would not be mentioned in the resolution; there were many circumstances that would render it unnecessary and improper.

Mr. HARTLEY wished to know where the land was to be, because the value of the land in different places was various; he thought they ought to have land: he would not be thought to object to the resolution.

Mr. VENABLE did not think it necessary to mention at this time what land should be appropriated for this purpose. A bill would be introduced in a few days, it could then be determined. If there were objections to appropriate the land mentioned, he hoped gentlemen would then propose a spot that would suit every convenience better. These people, he said, ought to be satisfied: it was time they were.

Mr. DAYTON said, that the chairman of the committee said there was no land near Lake Erie of that description belonging to the United States; he wished to know what foundation the assertion had?

Mr. GREENUP said, the committee had made what inquiry they could on the subject, of persons well-informed, who told them there was no land belonging to the United States of that description.

Mr. SITGREAVES would vote for striking out the clause as it stood, not from any knowledge he had on the justice of the claims, but, if just, satisfaction should be given. The committee had not reported as to the value of land necessary to be given; the value of land was proportioned to its different qualities and location; he thought it would be as well for these people, to give them military land warrants, and let them locate by lot: this had heretofore been the method, and he thought it would be as advantageous to them as any, and avoid many difficulties with respect to the grant.

Mr. MACON hoped the question would be divided; he liked the proposition of the gentleman last up, to strike out, and insert the words proposed; he therefore would wish the Committee to rise, and report progress; or, if the House do

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not adopt the substitute, he hoped it would be recommended.

M. DAYTON moved to strike out the words relative to location, and substitute the following resolution :

"Resolved, That provision ought to be made by law for granting donations of land to Canadian and Nova Scotia refugees, in conformity to the resolves of Congress of the 23d of April, 1783, and the 13th of April, 1785."

This resolution was adopted.

The third was—

"Resolved, That five hundred acres of land be granted to each refugee from Canada and Nova Scotia."

This resolution was attended with three explanatory restrictions. It passed, and the Chairman read the first of these rules, which was, "that the applicant shall make proof, before some Court of record, of his actual residence in one of the provinces aforesaid, previous to the ——— day of ———."

Mr. GREENUP supposed this was meant merely as the outlines of a plan to be completed when the bill was brought in; at this time it was necessary that instruction should be given to the committee that they may bring in a bill consistent with the will of the House.

Mr. DAYTON objected to this, and the two following clauses. He objected also to the resolution for an indiscriminate grant of five hundred acres of land to each refugee. Some of these people would be found to deserve more and some less, in proportion to their exertion and sufferings. Some might have lost large property, or have had large families. If Mr. DAYTON had observed what the Committee were doing, he would have objected to the passing of that clause. He likewise opposed the present one. This clause and the remaining two were negatived.

The Committee of the Whole then rose. The Chairman reported progress. The House took up the report. The first resolution and the second, as altered in the Committee, were agreed to.

The question on the third resolution was then put.

Mr. MACON thought that it would be exceedingly improper to grant an equal quantity to each; it ought to be entirely circumstantial.

Mr. GREENUP was of the same opinion; he said some of these people had suffered more than others. The circumstances of some were such that they were in irons, in close confinement twelve or fourteen months, many of them had the warrant signed for their execution, and a variety of cruelties were exercised; these distresses required consideration.

Mr. BALDWIN hoped it would be struck out; the House should not go into particulars of the quantity to be given, or the circumstances of the persons; he had seen great difficulty attending these specifications. He did not like this loose way of doing business; they need not open land offices for that purpose; some way would be found out to give the people satisfaction.

Mr. WILLIAMS hoped the committee would not be restricted.

The question on the third resolution was then put, and lost.

A committee was then appointed of Messrs. GILMAN, WILLIAMS, and GREENUP, with instructions to bring in a bill pursuant to the resolutions as amended.

KIDNAPPING NEGROES.

Mr. SWANWICK called the order of the day on a report of the Committee of Commerce and Manufactures, made the last session, on a memorial from the State of Delaware, respecting the kidnapping of negroes and mulattoes. The House accordingly resolved itself into a Committee of the Whole on the subject.

Mr. SWANWICK said, that there was a mischievous practice in use of carrying these people away from the place of their residence, by masters of vessels, and selling them in other parts. The plan of the committee was to get instructions from the House to bring in a bill making it necessary for every master of a vessel to have a certificate of the number and situation of any negroes or mulattoes he may have on board. He hoped the measure would not at all be opposed, as it only prevented thefts in this case.

Mr. COIT wished to know whether it was necessary for the United States to intermeddle with this? He wished the report had been more satisfactory, and stated the principles upon which it was formed with more precision. The evil, he doubted not, existed, but the law might create a greater evil than that it was intended to cure. It appeared to him that the laws in the several States were fully adequate to the subject without further provision; he was not ready to give a vote on it either way at present.

Mr. SWANWICK said, the report was grounded on an application from the Legislature of Delaware. [Mr. S. here read the memorial from that State to Congress.] The practice, he said, was very injurious and dangerous to that State, and he hoped a remedy would be attempted, as it was in the power of Congress to provide one by this method; some of the States had made an attempt to remedy this evil, but their laws were broken with impunity. If the resolution of the Committee passed, he should move that the Committee bring in a bill in pursuance thereto.

Mr. LIVINGSTON said, he did not object to the principle of the motion. The Committee have showed what the States could not do, but have not told us what the United States could do, to remedy the evil; there could be no question of the evil of the action, but the question was, What was to remedy this evil?

The resolution was to give aid to the different States; it appeared to be too broad: the report says that negroes and mulattoes are carried off, contrary to law. If contrary to the laws of the States, they certainly ought to carry their laws into effect: it cannot be done till they show us how Congress are to aid them. The Committee certainly had not gone far enough in their report. There was a difference betwixt reporting on an established principle, and one which was yet to

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settle. He thought the report ought to go back to the Committee to be amended. He could not see how the laws of the General Government could operate over those of the several States. The case of stolen goods would apply the same as negroes; they were looked upon, in the States where slavery was permitted, as individual property; therefore he thought stealing in one case would apply to the other. He hoped it would go back for the Committee to point out a remedy.

Mr. MACON moved that the Committee rise, to make room for the gentleman's motion.

Mr. SWANWICK said, the laws of the different States forbade the stealing of negroes; but they had no remedy that would take effect out of their own State: and although each had effect in their own State, yet they had no power on the water. The intention of the present measure was to oblige masters of vessels, when they cleared out of any ports in the Delaware, when they took any negro or mulatto on board, to have a certificate of their being free. The situation of the State of Delaware, communicating with both the Delaware and Chesapeake, was, in this respect, particularly exposed to insult and injury; but this remedy, he thought, would be effectual. The gentleman last up wished the Committee to rise, in order to recommit it: he should vote for it if the gentleman was willing to add, "to bring in a bill." The gentleman was in the Committee, if he had stated his objections there, it might have saved time.

Mr. COIT imagined that the report was a very lame one. The object of the bill should have been stated more fully.

Mr. MURRAY wished to know what was fully meant by the idea of preventing kidnapping. He confessed he did not rightly understand the meaning of the word. Was the intention of the Committee to have reference to the taking of free negroes and selling them as slaves, or the taking slaves to make them free?

Mr. SWANWICK said it was intended to prevent both evils. It was intended to prevent their being stolen from their masters; and, also, to prevent the power of the master taking them to the other States to sell them. This measure, he thought, would prevent both. The State of Maryland had taken measures to prevent it themselves; they had made it a heavy penalty to take a negro out of the State; but that is not effectual to prevent the evil now complained of. This was meant to prevent the practice of examining ships before they sailed and when they arrived.

Mr. W. SMITH wished the Committee to rise; not with a view of recommitting the report, but to get rid of the business altogether. The subject, he said, involved many serious questions; it required very serious consideration, and he wished it had never come up. It was a question with him how far Congress had a right to meddle with it at all. He felt alarmed on the subject as brought from that State. He considered it as a kind of entering-wedge, as a gentleman had lately said, on another occasion. It was altogether a municipal regulation, and not at all connected

with trade or commerce, and therefore ought to be left to the State Legislatures to settle. He did not think the Constitution allowed that House to act in it.

Gentlemen had said, that the laws of the States took no effect on the waters. This, he thought, was founded on a mistake. The laws of the States could prevent robbery on water as well as on land, if within the jurisdiction of the United States. He hoped the Committee would rise, and dismiss the subject.

Mr. ISAAC SMITH thought the gentleman knew not the proper meaning of the report. It was not to make a law against stealing merely, but against its being done successfully; many instances, he said, had occurred, where they had been hid many days on board the ships and taken away in the night to the West Indies, and other parts of the world to sell them. It was impossible that the existing laws of the States should prevent this fraudulent practice: the intent of this law was to prevent this practice; by being examined, and forced to take certificates along with them, it could not be easily done. The particulars of the remedy would be more readily seen when the bill was brought in; it would explain itself; it then might be modified, altered, or rejected altogether. He thought it could give no offence or cause of alarm to any gentleman; and he was sure it was no way contrary to the Constitution.

Mr. MACON wished the Committee to rise, and not have leave to sit again. He began to see more of the impropriety of the measure than before, and for the same reasons as the gentleman from South Carolina, [Mr. SMITH.]

Mr. SITGREAVES hoped the subject would not be got rid of in this way; he hoped gentlemen would be inclined to treat this question of humanity with as much candor as they usually show to other subjects. He owned he had been very much surprised at the gentleman from Maryland [Mr. MURRAY] in attacking the subject in that side-way. The gentleman asked, what was the intention when speaking of kidnapping? he seemed not to know the meaning of the phrase. Surely this is not the gentleman's wonted candor; he has not commonly satirized in this manner: but no one could be at a loss to understand the gentleman's insinuation at this time.

This, Mr. S. said, was introduced to prevent free men from being kidnapped: it is honorable in the Legislature to take it up. If it was otherwise, that slaves were kidnapped and made free men of, he was willing to join with the gentleman to correct it. Let us not, said he, because two evils exist, correct neither: this is not a mode of agreement; it ought not to prevail in this or any other public body.

The gentleman from South Carolina wished the Committee to rise, in order to get rid of the matter, because it was crude and undigested. If this is the case, let it be put into a proper form, by instructing the Committee to bring in a bill; this would obviate all such objections, or give a fair scope to argument. The report was objected to, because the principle upon which it was found-

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ed did not appear: then let gentlemen agree for it to go back to the Committee, it would then come forward in an explicit form. The gentleman would then be convinced that it had no interference with State regulations, but, in conformity to them all, would render them Legislative aid, to which their power did not extend.

Mr. SWANWICK said, this House had ascertained a certain proof, by which our seamen are known, by giving them a certificate of their citizenship, specifying their person and freedom, which had operated against impressment: and was it not equally necessary, and would it not be equally competent, to protect a man from injuries to which his color has exposed him? Our unfortunate negroes and mulattoes are exposed by their color to much insult. In some places, he said, they were so exposed, that color alone was evidence of slavery. He would not enter into the question, whether all ought to be free, because it was not immediately before the House; but if these people were black or white, if free, they ought to be protected in the enjoyment of their freedom, not only by State Legislatures but by the General Government. When gentlemen came into such a subject as this, they should wait till it came before them in a proper form; not reject it before known. Gentlemen seemed to be going on in the dark. If it was not consistent with the Constitution, it would then be proved, as no doubt gentlemen would search for themselves. If this method be adopted, it is possible to bring the masters of your coasting vessels, and others, to apply for a certificate, and thus prevent that fraudulent practice.

If such an evil does exist, this is the most efficient remedy; it will answer the purpose of the gentleman from Maryland, by preventing slaves being made free men also. There are laws in some of the States, Pennsylvania for one, that will not suffer slaves to be taken out of one State into another. So far as this can operate, so far it will be successful; but when out of our power—when there is possibility of evading wholesome laws, is it not right to secure a power to aid the institution, by adding to them the force of your jurisdiction to prevent imposition? And if it can be done, does not humanity and justice require your utmost effort? Mr. S. hoped it would be treated with respect, and obtain all the aid that it required from the General Government.

Mr. MURRAY did not expect to have raised the sensibility of the gentleman last up. It really arose from his ignorance, he said. He wished to know the origin of the matter; he did not know whether it had originated in a memorial, or whether it came from the humanity of some patriotic member, unsolicited. Great and manifold evils did exist in this point: he meant to make a motion on the subject, as Maryland felt heavily from the practice. He confessed he was not sufficiently acquainted with the English language to know the proper meaning of the word *kidnaping*; he therefore wished to know if it extended to the object he had in view. He declared he did not wish to encourage the harboring of negroes;

far from it; he wished to prevent it. He did not think the law extended far enough on that point: at present, negroes, through the influence of their own minds, or the insinuations of others, or both, frequently leave their masters, and are harbored by other persons. The law takes no notice of this, except it can be proved that the negro is some person's property, and has absconded: this is very difficult to prove; therefore great evils attend its lenity. 'Tis true, if it can be proved that the negro has absconded and was harbored, there was a very heavy penalty inflicted; but, he said, this was difficult to prove. This, he owned, was his *insinuation*, as the gentleman termed it; and upon this subject he meant to claim the attention of the House. This evil, he said, might arise from the false philosophy and misplaced philanthropy of the advocates of emancipation. He was ever willing to give the question a fair trial, and thought himself bound to thank the gentleman for his extreme benevolence in advocating it.

Mr. SITGREAVES rose merely to acknowledge his pleasure to hear the gentleman was willing for the subject to undergo a full and fair investigation; how that investigation was to go on, he did not say. Mr. S. hoped the subject would not be got rid of, as a gentleman had wished. If further information was wished on the subject, he had no objection to the Committee's rising and recommitting it. If, by any thing he had said, it should be thought that he approved of all the operations of emancipation, he would answer, this was not the case. He believed that too great zeal in a cause may carry it too far, and produce bad effects. But this was no part of the present question; it was not to make those persons free that were slaves, but to preserve those free who are so now.

Mr. SWANWICK, to satisfy the gentleman from Maryland, told him, that the subject came before the House from the State of Delaware.

Mr. W. SMITH said, he did not know how far the Committee should go, he should not vote for the matter to go into the Committee. He said, it was that kind of business which, by the Constitution, was to be left to the different States, he could not agree to the subject going any further. The observations of the gentleman from Pennsylvania had convinced him that that House ought not to interfere with the individual States on the subject, the interests and policy of the different States were so various, that it would be a dangerous thing to meddle with. He thought it an improper question for discussion; he conceived it would be sound policy not to touch it in that House. The gentleman had gone too far to make use of the word *emancipation*. He feared lest the use of it should spread an alarm through some of the States. It might imperceptibly lead from step to step till it ends in mischief.

The gentleman spoke of the waters. The States have jurisdiction over all the navigable waters within their bounds; and where two States are separated by a river or bay, it would then be easy for a negotiation between those two States to provide security to their citizens from injury on such

waters. Let not the General Government intermeddle with the States' policy; it might cause very considerable contests and injury. He hoped it would drop altogether.

Mr. NICHOLAS hoped the business would not be dismissed. We, said Mr. N., who reside in the Southern States, are unfortunately possessed of such a kind of property as has a considerable odium attached to it; but, if we unfortunately hold slaves, we ought not to contribute to the making slaves of free men, but I would wish to establish them in their freedom. If we can give relief as the thing exists, let it be; by all means do it, whether it incur the pleasure or displeasure of some of the slaveholders. He hoped the subject would have full investigation.

The question was then put for the Committee to rise. Fifty-four members rising in the affirmative, it was carried.

Mr. SITGREAVES then moved for the Committee of the Whole to be discharged from the further consideration of the report; this, he said, was in order to make way for another motion to refer it back to the Committee, to report by bill or otherwise.

The question was put, and the Committee discharged.

Mr. SWANWICK moved that the business be re-committed to the Committee of Commerce and Manufactures, to report by bill or otherwise.

Mr. SITGREAVES hoped no opposition would be made to this motion; for if the committee brought in a bill, it could then be objected to, the same as though the subject had never been introduced.

Mr. W. SMITH hoped the last part of the motion, "by bill or otherwise," would be omitted. Suppose, he said, the committee should find it inexpedient to bring in a bill; were they obliged to do it? This would be tying them to a certain mode which, perhaps, they may not approve, and they have not the power left them to negative. He thought the House ought to follow the usual course and instruct the committee what to do.

Mr. NICHOLAS supposed the committee would not be offended, for he did not consider their power so circumscribed as the gentleman last up; whether they may find it expedient, was to be tried.

Mr. SWANWICK said, the minds of the committee were already made up; they had reported; and to tie them up not to do more than they had already done, to send them back without some new instructions, would be doing nothing at all.

Mr. COIT wished the subject to be postponed for further consideration before it was sent to the committee. He had doubts as to the propriety of sending it at all. He thought it had not had that discussion a subject so important required.

Mr. SWANWICK said, gentlemen in general allow it ought to go to the Committee of Commerce and Manufactures. The gentleman from Connecticut [Mr. COIT] is a member of that committee; the gentleman from South Carolina [Mr. SMITH] is also a member; it is somewhat surprising they want information. They surely cannot object to its being referred, as then they may have an op-

portunity to accommodate measures more to their own desires.

Mr. W. SMITH said, he believed this was the first time it was considered in the House. It had been tried in a committee but never taken up by the House, and now gentlemen wish to send it back to the committee, with instructions to bring in a bill. The Committee of Commerce and Manufactures was considerably deranged since last session, when this business came before them; many new members were added, and it required more information before it could come to the conclusion prescribed.

Mr. SITGREAVES said, if any one good purpose could be derived to the House or to the gentlemen, he would not oppose it; but he was at a loss to know what good object could be attained by a delay. With respect to what had been said by the gentleman, [Mr. SMITH,] that the committee were forced to bring in a bill, he was surprised that such an idea should be formed. If that committee report a bill, this House is not even pledged to pass it. When the subject is sent to the committee with that instruction, can it be conceived that committee is forced to report a bill? There is no such thing intended nor included in the words, as either this House should be pledged to pass a bill, or that the committee should report one. The object is, that the House, through the medium of the committee, should have a plan prepared for their consideration, and the word "otherwise" leaves the committee to exercise its own discretion as to the report.

The gentleman from Connecticut, with a prudence and consistency highly becoming, wishes time to think on the subject. But how is that gentleman to have foundation for his reflections until a bill is drawn? Mr. S. did not know what were the resources of that gentleman's mind, but for himself, he must own that in all the attitudes in which this subject had presented itself, he could not distinctly see the plan. One gentleman had said there was no remedy the United States could apply but what was incompatible with the laws of the individual States. Mr. S. presumed that until he saw the mode to be adopted, he could not say whether it was easy or difficult. On the whole, he thought to postpone the subject could answer no good end, while it might delay the object, and do injury.

Mr. COIT said, very probably the resources of his mind may not be equal to that gentleman's, he therefore wished the subject to be delayed that he might have time to get into the knowledge of the business.

Mr. SMITH thought it had best be referred to the Committee of Ways and Means, if it must be committed, as it was a matter entirely of a Legislative nature. The gentleman from Pennsylvania [Mr. SITGREAVES] said, that the only way to get right was to refer it to a committee to bring in a bill. He would ask, what were they to give the House? We must depart, said Mr. S., from our usual custom; we must pledge ourselves, and bind the committee to report, by bill or otherwise. He thought the House ought at least to have one day's notice to consider the subject. He said he

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was not now satisfied whether it was consistent with the Constitution.

Mr. Corr's motion for postponement was then put and carried—yeas 46, nays 30.

HUGH LAWSON WHITE.

Mr. BLOUNT then called for the order of the day on the report of the Secretary of War on the petition of Hugh Lawson White, a soldier under General Sevier, against the Indians. The House accordingly resolved itself into a Committee of the Whole.

The following report from the Committee of Claims was then read:

That the claim set forth in the said petition, is intended to establish a principle that will apply to the whole of the militia which were called out under Brigadier General Sevier, in 1793, to act offensively against certain Indians Southwest of the Ohio.

That the expedition against these Indians, as appears from the muster-rolls, comprehended a period of above five months, or from the 22d July to 31st December, 1793.

That it was undertaken without authority derived from the President, under the laws of the United States, and for the avowed purpose of carrying the war into the Cherokee country.

That the tenor of the instructions from the Department of War to the Governor of the Southwestern Territory forbade offensive operations.

Having given these facts, it may be proper to add, that it appears, by a recurrence to official papers, that the Indians had greatly perplexed and harassed by thefts and murders, the frontier inhabitants of Tennessee; and previous to the service, for which compensation is demanded, had shown themselves in considerable force, and killed at two stations (one of them within seven miles of Knoxville) fifteen persons, including women and children, as stated in the annexed letter:*

* Copy of a letter from Daniel Smith to the Secretary at War, dated,

KNOXVILLE, October 1, 1795.

SIR: By adverting to the correspondence of Governor Blount in the year 1793 (previous to his going to Philadelphia) with Mr. Secretary Knox, it will appear that very frequent acts of hostility were perpetrated on the citizens of this Territory, by the Cherokee and Creek Indians. Their repeated murders, which his vigilance could not prevent, I cannot say were in all cases borne with as much patience as they ought to have been, considering the hopes that were held out to them that the General Government would, in due time, interpose with difficulty.

Shortly after the Governor's departure for Philadelphia, the enormities committed by these Indians, far from abating, grew more flagrant. A Captain John Beard (availing himself of the general temper of the frontier citizens, heated by repeated murders being committed on them) being ordered on duty by Governor Blount, about two days before his departure to punish the murderers of one Gilham and San, but restricted in his order from crossing the Tennessee, violated these orders, crossed the Tennessee, and killed several Indians at the Hanging Maws. Beard said, on his return, he had pursued the trace of the murderers. I own I did not believe him. But the fact stands now so well attested by the testimony of several men of credibility, even of some connected with Indians, who, if they had any bias, it might be presumed would lean in favor of the Indians, that I cannot refrain from believing he did follow the trace of the murderers across the Tennessee.

A while after this, a party of about two hundred Indians made an attack on Henry's station; they not only killed one of our privates, but talked of taking the garrison.

On that quarter being so vigorously invaded, I ordered General Sevier to march to the defence of the frontiers, with one-third of the militia who had been ordered, previous to the Governor's departure, to hold themselves in readiness for such a service. But the General, under this order, had not collected more than about three hundred infantry and two troops of horse, when a large body of Creeks and Cherokees attacked and carried Cayet's station, seven miles below this place, and killed every man, woman, and child, belonging to it, being thirteen in number.

that it must rest with Congress to judge how far these aggressions of Indians, and such other circumstances as can be adduced to the parties, constitute a case of imminent danger, or the expedition a just and necessary measure.

Mr. A. JACKSON said, by a recurrence to the papers just read, he doubted not it would appear evident, that the measures pursued on the occasion alluded to were both just and necessary. When it was seen that war was waged upon the State, that the knife and the tomahawk were held over the heads of women and children, that peaceable citizens were murdered, it was time to make resistance. Some of the assertions of the Secretary at War, he said, were not founded in fact; particularly with respect to the expedition being undertaken for the avowed purpose of carrying the war into the Cherokee country; indeed they were contradicted by a reference to Gen. Smith's letter to the Secretary of War. He trusted it would not be presuming too much, when he said, from being an inhabitant of the country, he had some knowledge of this business. From June to the end of October, he said, the militia acted entirely on the defensive, when twelve hundred Indians came upon them and carried their station, and threatened to carry the Seat of Government. In such a state, said Mr. J., would the Secretary (upon whom the Executive power rested, in the absence of the Governor) have been justified, had he not adopted the measures he did of pursuing the enemy? He believed he would not; that the expedition was just and necessary, and that, therefore, the claim of Mr. White ought to be granted.

He therefore proposed a resolution to the following effect:

"Resolved, That General Sevier's expedition into the Cherokee Nation, in the year 1793, was a just and necessary measure, and that provision ought to be made by law for paying the expenses thereof."

From the information I then received, I was convinced there would not be less than twelve hundred Indians in arms against us, and later information proves that number stated too low.

My situation was distressing. I could look on this act of the Creeks and Cherokees in no other light, than as positive a declaration of war as ever was or can be denounced by one nation against another, because it was the act of so great a proportion of these tribes; not the act of what the chiefs are apt to call a few bad young men, but headed also by the most distinguished of their warriors. Should I forbear to yield protection to the inhabitants, such conduct would be charged both with want of duty and humanity, and criminal in a great degree. Notwithstanding Beard's act cannot be justified, it may be palliated in a great degree from his having actually followed the trace of Gilham's murderers, as now appears; and had it not this palliation, could I look on and see the whole of the inhabitants sacrificed to innocent men, women, and children? Ought I not to have made use of the power understood to be lodged with me by the Constitution, in the latter part of the 10th section, 1st article, where each individual State is restricted from engaging in war, unless actually invaded, or in such imminent danger as will not admit of delay?

I hesitated not, but ordered General Sevier, with what troops could be hastily assembled, to repel and pursue these invaders; and, in so doing, I then believed I consulted the true interest of the United States. The consequences have confirmed the fact that my opinion was well founded.

The service which those troops performed was of that importance, that it laid the ground work of our present tranquility, which otherwise could not have been effected. Yet I learn the General and his men have not been paid. This, to my mind, carries a tacit censure of my conduct.

If no act of Congress exists, embracing the case, permit me to suggest the propriety of laying the matter before that body, to obtain their sense thereof. I am, sir, &c.

DANIEL SMITH.

TIMOTHY PICKERING, Esq., Secretary at War.

Mr. HARPER said, this appeared to be a subject of considerable importance; he hoped the resolution would, for the present, lie on the table. He therefore moved that the Committee rise and ask leave to sit again.

Mr. COIT said, the report wanted some more preparation before it should have come before the House; he would therefore move that it be referred to the Committee of Claims; he knew of no reason against this reference, as many reports from Heads of Departments had been so referred.

Mr. BLOUNT hoped the motion would not prevail. The expedient of referring it to the Secretary at War was resorted to, when it first came before the House. He hoped now it would not be deferred, but decided on. He thought the Committee of Claims, from having once had it before the House, knew as much of the case as they could know, and perhaps all was included in this report.

Mr. D. FOSTER made the same observations in effect as Mr. BLOUNT.

Mr. COIT said, gentlemen had not given a shadow of a reason why it should not be referred to that committee.

Mr. JACKSON owned he was not very well acquainted with the rules of the House, but from the best idea he could form, it was a very circuitous way of doing business. Why now refer it to the Committee of Claims, when all the facts are stated in this report, he knew not. If this was the usual mode of doing business, he hoped it would not be referred.

Mr. W. LYMAN thought, the time it was under consideration before, when referred to the Secretary at War, was the time to have thought of referring it to that Committee; but now it was too late; now the House had a report before it. It appeared to him a mere formality. It looks like throwing the business out. He had not made up his mind which way he should vote, but he thought one report was sufficient; he, therefore, hoped it would come under consideration.

Mr. BLOUNT said, when he first presented the petition, he moved it to be referred to the Committee of Claims; it was then rejected, and sent to the Secretary at War.

The Committee rose, and obtained leave to sit again.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HARPER said that, in the report of the unfinished business of last session, there was a bill to establish an uniform system of bankruptcy throughout the United States. The subject, he said, had been often thought on, but never had been taken into serious consideration; the state of the country called for it, and it became more and more necessary. In order to take some steps to bring the business forward, he would move that it be now committed to a Committee of the Whole House.

Mr. MACON thought it very improbable that a business which could not be done in a session of seven or eight months, should stand any chance in so short a period as that remaining of this ses-

sion; he should, therefore, oppose committing it this session.

Mr. SITGREAVES said, it was true the present session was short, but he thought the House should not be prevented from entering into such an important and necessary business as this: if there was business of much importance that was not yet before the House, it was in the hands of committees, he thought there was now an opening for it. The bankruptcy system deserves immediate discussion. It was looked upon as important at the framing of the Constitution. He had heard the gentleman from South Carolina say, that it was taken up at the first Congress. He wished it to come before the House that he might judge of its merits. There appears to be an injunction for us to take it up. The States would then know how to frame their systems consistent with the general laws; he knew the State of Pennsylvania had a desire to adopt some uniform system on this subject, but seeing, on the Journals of this House, that it was in contemplation of the General Government, they impatiently waited the discussion of it, to frame theirs accordingly. It had been mentioned to that Assembly by the Governor in his last Speech, as an object much wanted. They only declined the business to wait for this House to do it. He hoped the House would at once say whether they meant to do anything or not, and thus relieve the States of that solicitude they had on the subject. With respect to its delay last session, he would observe, that business of perhaps greater importance almost constantly occupied the House to a late period.

Mr. W. SMITH could see no reason why this business should now come before the House; he thought there may not be time to settle it; he saw a great propriety of getting done with the business with all possible expedition, but other important business now presented itself. So long ago as the year 1789, he said, a committee was instructed to bring in a bill, which they reported in 1790. The very printing of reports of committees on this subject, from year to year, had cost a great deal of money, and now gentlemen wish it to cost another hundred dollars without any advantage. He was persuaded gentleman would find immense difficulty attending the subject to make it suit all capacities, perhaps much more than they might expect. If gentlemen can have any reasonable prospect of going through with the business, he wished it to be taken up, but he feared other concerns would intrude and render its postponement necessary.

The question was put, and lost—ayes 30, noes 40.

FUGITIVES FROM JUSTICE.

Mr. MURRAY said, as the subject of kidnapping negroes had been brought up, he had a motion to make on the subject, with respect to fugitives from justice. He had mentioned the subject before. He thought if a sum of five hundred dollars was to be recoverable from persons employing such as had absconded from their masters, it would have a very good tendency.

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The evil complained of is, that the person employing a negro in this situation cannot be sufficiently proved to have done it designedly or not; the present law obliges the master to prove that the one who employs him had known that he was another person's property, and had runaway, before any damages can be recovered; this is extremely difficult to do. He should, therefore, propose the following resolution, in hopes by it a remedy would be provided, viz:

"Resolved, That a committee be appointed to inquire if any, and what, alterations are necessary in the act, entitled "An act respecting fugitives from justice, and persons escaping from their masters."

The resolution was ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, transmitting a letter, with sundry documents, from the Commissioners at the Federal city, exhibiting a view of the receipts and expenditures of all the moneys intrusted to them; and, also, of the progress and state of the business, and of the funds under their administration, from May 17 to November 18, 1796; which was ordered to lie on the table.

On motion of Mr. D. FOSTER, the Letter of the Secretary of the Treasury, transmitting copies of the proceedings of the accounting officers of the Treasury, upon certain claims which have not been admitted to be valid, laid before the House December 24, 1795, be committed to a Committee of the Whole House, and made the order for to-morrow.

FRIDAY, December 30.

THE CHICKASAW CLAIMS.

ALEXANDER D. ORR, from Kentucky, appeared and took his seat.

Mr. ANDREW JACKSON presented a petition of George Colbert, one of the chiefs and warriors of the Chickasaw nation of Indians, complaining of a non-performance of stipulations entered into in certain talks held with Governor Blount and other agents of the United States, in which they agreed in defensive support of each other's rights; that their nation was invaded by the red people, (the Creeks,) when they applied, according to Treaty, for aid; that their brother, James Robertson, said he had no orders to send them any assistance; and that he must first have orders from their father the PRESIDENT OF THE UNITED STATES. However, a detachment of volunteers under the command of Colonel Mansker, came to their aid. He asked compensation for supplies furnished to that detachment during sixty days. He said he had applied to his beloved friend the Secretary at War, who told him that Congress had set apart no money out of which it could be paid; he, therefore, applied to Congress for relief.

This petition was referred to the Committee of Claims.

HUGH LAWSON WHITE.

The House again resolved itself into a Committee of the Whole on the petition of Hugh Lawson White.

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The resolution of Mr. ANDREW JACKSON having been read,

Mr. COIT called for the reading of the petition upon which the report was founded. It was read.

Mr. A. JACKSON said, the rations found for the troops on this expedition had already been paid for by the Secretary of War, and he could see no reasonable objection to the payment of the whole expense attending the expedition. As the troops were called out by a superior officer, they had no right to doubt his authority. Were a contrary doctrine admitted, it would strike at the very root of subordination. It would be saying to soldiers, "Before you obey the command of your superior officer, you have a right to inquire into the legality of the service upon which you are about to be employed, and, until you are satisfied, you may refuse to take the field." This, he believed, was a principle which could not be acted upon. General Sevier, Mr. J. said, was bound to obey the orders he received to undertake the expedition. The officers under him were also obliged to obey him. They went with full confidence that the United States would pay them, believing that they had appointed such officers as would not call them into the field without proper authority. If even the expedition had been unconstitutional (which he was far from believing) it ought not to affect the soldier, since he had no choice in the business, being obliged to obey his superior. Indeed, as the provisions had been paid for, and as the ration and pay-rolls were always considered a check upon each other, he hoped no objection would be made to the resolution which he had moved.

Mr. COIT said, he had called for the reading of the petition, because he could not see the connexion between it and the resolution under consideration. The petition prayed for recompense for the services of the petitioner, and the men under his command, and the proper resolution would be that the prayer of it ought or might not be granted; but, instead of this, the resolution before them went to the whole troops employed in General Sevier's expedition.

Mr. A. JACKSON said, by referring to the report it would be seen that the Secretary of War had stated, that to allow the prayer of this petition, would be to establish a principle that would apply to the whole of the militia in that expedition. If this petitioner's claim was a just one, therefore, the present decision ought to go to the whole, as it was unnecessary for every soldier employed in that expedition, to apply personally to that House for compensation.

Mr. RUTHERFORD observed, that the gentleman from Tennessee had set the matter in so fair a light that it was not necessary to say much more on the subject; but, as he had been acquainted with the frontier from his infancy, he would just give it as his opinion, that the expedition was a necessary one, and that the expense ought immediately to be paid. He hoped, therefore, the resolution would be agreed to unanimously.

Mr. HARPER was not prepared to say, without more information than he had on the subject, that

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the measure was just and necessary, or the contrary. He felt disposed to think favorably of the expedition; but he thought the House should have further information before it came to any resolution on the subject. They had, it was true, a letter from General Smith, the then Secretary, but he thought this was not sufficient. He thought it would be better to refer the report and other papers to a select committee, with instructions to inquire into the necessity and propriety of the expedition, and report thereon. He hoped, therefore, the present resolution would be disagreed to, and the Committee would rise. He would then bring forward a resolution to that effect. The Secretary of War, he said, had not gone fully into the subject; he had given them copies of two letters, but not his opinion. He did not think that an expedition of so important a nature, and which must involve in it a very heavy expense, should be decided upon without further information.

Mr. CRAIK agreed in sentiment with the gentleman from South Carolina. [Mr. HARPER.] He said there was great difficulty in forming an opinion from the report itself; though the Secretary of War seemed to think the calling out the Militia necessary, there were other expressions in the report which appeared to convey a contrary sentiment. He referred to the letter of General Smith, but mentioned that there were other papers. He could not say the expedition was not necessary; but he thought further information was desirable, and the report should be committed to a select committee, for the purpose of gaining that information.

Mr. W. SMITH agreed with the two gentlemen last up, that further information was necessary. The question, he said, involved a number of important points. In the first place, a question was involved, whether, if the expedition was necessary, as it was not authorized by law, the expense ought to be defrayed by the United States? By the report of the Secretary of War, it appeared that Congress were well apprised of all the circumstances which rendered the expedition necessary, yet they did not think proper to authorize it. In the letter of the Secretary of War to Governor Blount, on the subject, was this passage:

"If those difficulties existed while the Congress were in session, and which, it was conceived, they alone were competent to remove, they recur, in the present case, with still greater force; for all the information received at the time Congress were in session, was laid before both Houses, but no order was taken thereon, nor any authority given to the President of the United States; of consequence his authority remains in the same situation it did on the commencement of the last session. It is, indeed, a serious question to plunge the nation into a war with the Southern tribes of Indians, supported as it is said they would be."

Mr. S. also read from the report "that the expedition was undertaken without authority," &c. The Secretary afterwards, indeed, stated, in his report, the disagreeable situation of the country at the time, by way of palliative; but, as Congress were possessed of these facts, and did not authorize offensive operations, it became a nice point

to determine whether the expedition in question was justifiable. He would not say that such a situation of things might not occur, as would justify a measure of the kind, but it was of consequence to determine whether this was such a case, which could not be done hastily. Neither had the House any information of the magnitude of the expense, whether it would be two or three hundred thousand or half a million of dollars. He should, therefore, hope the Committee of the Whole would be discharged, and that the subject would be committed to a select committee.

Mr. MADISON saw no necessity for referring this subject to a select committee. If it was suggested that the official information which was before them was inaccurate, and that a more full explanation of the situation of things was necessary, there would be some ground of reference; but he did not find that this was the case. The Secretary of War stated facts, and referred to documents to prove "that the Indians had greatly perplexed and harassed, by thefts and murders, the frontier inhabitants of Tennessee, had shown themselves in considerable force, and killed at two stations fifteen persons." If this was a state of facts, and it could not be doubted, the words of the Constitution on this subject were clear: "No State shall, without the consent of Congress, lay any duty on tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign Power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay." There could be no doubt, therefore, Mr. M. said, but this expedition came within the meaning of the Constitution. In many cases, he said, it was difficult to determine betwixt offensive and defensive operations, as it was sometimes necessary, when acting on the defensive, to use an offensive measure. He had no doubt on the subject, and thought the expense of the expedition should, by all means, be paid.

Mr. DAYTON (the Speaker) said, that he was not prepared to adopt the resolution which was moved by the member from Tennessee, nor even to decide finally upon it, unless he could be persuaded that the gentleman from Virginia [Mr. MADISON] was correct in saying that the report before them contained all the information which it was possible for them to obtain. He was convinced that there were other official papers and documents which would throw additional light upon the subject, and, therefore, ought to be in possession of the Committee of the Whole before they took any decisive step. He alluded to the confidential communications from the PRESIDENT, in December, 1792, which gave rise to lengthy discussion, with closed galleries, upon the measures that ought to be adopted in consequence of the hostile acts and threats of those very South-western Indians, who were the objects of the expedition for which they were called upon to pay. The House of Representatives then decided that they would neither declare war against those nations of Indians, nor authorize the PRESIDENT to

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carry an offensive expedition into their country, if, in the recess of Congress, he should deem it proper, in consequence of their continuance in hostility. As the acts of Congress upon this very application would operate in future as a precedent and a kind of commentary on that part of the Constitution which limited the instances in which a State might levy troops and act offensively, without the previous assent of the General Government, they could not, Mr. D. said, be too particular in their investigation, nor too strict in their reference to dates and facts. He hoped that the Committee of the Whole would be discharged, and the report of the Secretary of War referred to a select committee, whose duty it would be to report those facts, with their dates, which gave rise to the claim in question, and which justified, under the provision in the Constitution, the raising of troops and carrying on an offensive war, without the previous consent of Congress or approbation of the PRESIDENT.

Mr. NICHOLAS believed, on a reference to dates, it would be seen that these attacks of the Indians were subsequent to those which were in the knowledge of Congress at the time mentioned, as they took place while Governor Blount was at Philadelphia; and he thought no further information was necessary on the subject than the letter from General Smith to the Secretary of War, printed with the report, to prove that the expedition was both just and necessary. General Sevier's going into the Cherokee country was no proof that his operations were offensive. If other information could be obtained by referring the business to a select committee, he should have no objection; but he believed this would not be the case. He wished the letter of General Smith to be read. It was read accordingly.

Mr. BALDWIN was not able to recollect how great a portion of the members present were in the House when this business was brought before Congress in the year 1792. His own recollection was fresh upon the subject. It was a period when they were much alarmed for our Indian frontier, North and South. The North was fortified, and it was recommended to have a legion on the South. The gentleman from South Carolina, he recollected, was opposed to the measure, and thought the Executive had determined too soon upon hostility. Mr. B. said he had at that time frequent conversations with the then Secretary of War, who informed him that he had written to the Governor of Tennessee that, in case the pressure of the Indians was so great as to require it, he must call out the militia. The Governor was well known, and sufficient confidence was placed in him that this power would not be abused. He believed the troops on the Northern frontier had not proved sufficient, and that they had already paid the expense of troops which were called in to their assistance. At this period, Mr. B. said, the danger which threatened the country was great, and it was happy for us it had been so well got over. He believed it was well that the legion for the Southern frontier was not equipped, though he at that time thought it necessary. The expense of

the expedition in question, he said, would be nothing compared with that which would have taken place had the legion contemplated been equipped. Mr. B. said, he had no doubt with respect to the propriety of paying the expense of this expedition. He did not think the number of men was great, or that the charge would be very heavy.

Mr. DAYTON (the Speaker) said, he was inclined to believe the attacks of the Indians, which provoked the expedition of General Sevier, were subsequent to those in the knowledge of Congress at the time the subject was under discussion.

He was one of those, he said, who thought that the hostile dispositions shown by those Indians at that time called for force, and he had introduced a resolution, by means of his colleague, to that effect. It was not, therefore, that he did not think the expedition authorized, but because he had a desire to have the facts relative to the subject clearly stated, that he wished the business to be committed to a select committee.

Mr. RUTHERFORD said, they were not particular about the manner of doing the business, provided it was done. He was confident the expense of the expedition ought to be paid. When the Indians were upon them, what could the Governor do? Was he to send forward to the Seat of Government to be instructed what to do? No; resistance was necessary, and it was not becoming in them now to say, "You did not act perfectly regular—the thing was not exactly as it should have been." It was a critical period, he said, and if the expenses were not paid, it might have a bad effect in future.

Mr. KITCHELL was in favor of the Committee rising. He remembered the transactions which took place on this business, as mentioned by his colleague, [Mr. DAYTON.] He said, he was one of those who voted against the proposition of using hostile means, because he thought it possible to ward off the evil. It had been warded off; but he believed there was sufficient ground for calling out General Sevier, and he doubted not, if the business was referred to a select committee, the result would be satisfactory to those gentlemen who brought forward the business.

The Committee rose, and leave not being granted to sit again, on motion, the report and papers accompanying it were referred to a select committee of Messrs. A. JACKSON, J. SMITH, BLOUNT, DENT, and HARPER.

SALARY OF REVENUE OFFICERS.

Mr. COIT said, that there had been several petitions from revenue officers for an increase of salary, part of which had been committed to the Committee of Commerce and Manufactures, and others to the Committee on Compensation; in order that the whole might go into the same hands, he proposed the following resolution:

"Resolved, That the Committee of Commerce and Manufactures be instructed to inquire and report whether any, and if any, what, alterations ought to be made in the compensations allowed by law to the officers concerned in the collection of the revenue; and that the committee on the subject of compensation be discharged.

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ed from the consideration of memorials from the revenue officers."

The resolution was agreed to.

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Mr. W. SMITH then called for the order of the day relative to the report of the Committee of Ways and Means on the debts due from certain States to the United States, as reported by the Commissioners appointed to settle the accounts.

The House then went into a Committee of the Whole on the subject.

Mr. WILLIAMS rose and observed, that he did not imagine the resolution would have been called up so soon. It had been put on their desks but a few days, and he had been employed on committees every evening and morning since. However, he would make a few observations on the subject.

The resolution under consideration, said Mr. W., was a call on the debtor States for the payment of certain sums of money said to be due to the United States. The State which he had the honor to represent was one of this class. Did he believe it to be a debtor State, the last thing he would ask for would be a relinquishment of that debt; but being fully persuaded that, had a just and equitable settlement been made, or that the nature of the case would have admitted of it at the time it was made, the State of New York would have been a creditor State; and he trusted that he could clearly demonstrate, from arguments drawn from facts, that neither the mode adopted by which the Commissioners were to determine on the claims produced by the respective States, nor the rule of apportionment which they were directed to pursue, could in any manner operate to do that justice which the nature of the case required.

With respect to the mode adopted, it is enacted in the third section of the act, entitled "An act to provide more effectually for the settlement of all accounts between the United States and individual States." "That the Commissioners are to determine on all such claims as shall have accrued for the general or particular defence during the war, and on the evidence thereof, according to the principles of general equity, (although such claims may not be sanctioned by the resolves of Congress or supported by regular vouchers,) shall determine thereon." Had the words within the parenthesis been omitted, he asked, would the *Penobscot* expedition, or the frigate built in South Carolina, or a number of such like charges authorized by Congress, been admitted in the settlement? But, by being allowed, the States of Massachusetts and South Carolina are made creditor States. The creditor States have had their credits funded according to the act, but, not satisfied, they are now calling upon the debtor States to make payment—a payment which never could have been contemplated, especially in the manner now called for.

In the seventh section of the before-recited act, the creditor States should have their balances funded. This hath been done, but nothing is men-

tioned in this act, or any other, to authorize the call on the debtor States in the manner proposed. It is probable, said Mr. W., if it had been contemplated at that time, the act would not have passed.

With respect to the rule of apportionment which the Commissioners were directed by law to pursue, Mr. W. contended that it was impossible that any thing like public justice would be done, particularly in the State of New York; besides, said he, it was a departure from the rule laid down and established when the Articles of Confederation were agreed to, the eighth article of which is, "That all charges of war, and all other expenses that shall be incurred for the common defence and general welfare, and allowed by the United States in Congress assembled, should be defrayed out of the common Treasury, which should be supplied by the several States, in proportion to the value of lands within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon should be estimated, according to such mode as the United States in Congress assembled shall from time to time direct and appoint. The taxes for paying that proportion should be laid and levied by the authority and direction of the Legislature of the several States within the time agreed upon by the United States in Congress assembled." And, therefore, said Mr. W., the act pointing out a different mode was a retrospective act, operating to the disadvantage of some of the States to the advantage of others; had this act been passed immediately at the close of the war, instead of being omitted until six years after the war, it would have operated equally; but no rule of apportionment could then be adopted without a manifest injury to some States, to whom thousands had emigrated from others. This was the case in the State of New York. One-third of the number of inhabitants of that State, when the enumeration was made, had moved into it after the close of the war from the New England States and the State of New Jersey, so that the numbers in those States were diminished, while that of New York was augmented. The mode of apportionment must, in consequence, operate unequally. Even since the settlement had taken place, some thousands of families had come into the State of New York from creditor States, and how could a determination be made? Or would it be just to compel those who had emigrated from creditor States into debtor States, to pay the proportion of the money said to be due from debtor States, whereas, by the settlement, had they remained in the creditor States, they would have been entitled to a proportion of the money due to them? Or, said he, is this resolution calculated to prevent emigration from one State to another?

Mr. W. observed, that attempts had been made to have the privilege of examining the principles of the settlement by the Commissioners, and the charges exhibited and allowed from the respective States, but it had been refused. If, said he, the creditor States were conscious of the settlement being proper, why this refusal? But, until this

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was done, could it be expected that the debtor States would submit to a settlement which they had every reason to believe was founded on erroneous charges exhibited to the Commissioners?

With respect to New York, their advances had been such that the first calculators in the Union, who had been engaged in public business during the war, said that the State of New York must, on an equitable settlement, be a creditor State to the amount of two millions of dollars. Mr. W. said, he had been, from the commencement of the Revolution to the close of the war, either in a legislative or military capacity, excepting about one year, and he was confident that no more could be done than was done by the State of New York; and a State having done all they could do, it was not possible it could be a debtor State. And, said he, shall that State now suffer because it had exhibited fair and honorable accounts, such as the Commissioners observed were like merchant's accounts, and would stand the scruples of law, omitting many accounts which could not be exhibited in proper form, as the nature of the case would not admit of it unless by mere calculation? Adding to this the difficulties that State had to encounter, which ought also to be taken into view on a final settlement.

At the commencement of the war, said Mr. W., unfortunately for the State of New York, the one-half of its inhabitants were disaffected to the then measures, and a number actually took arms against those who were friendly to the Revolution, the suppression of whom, with a constant watch over them, were never brought into the general account. In the beginning of the year 1776, the enemy took New York, and with it nearly one-half of the valuable part of that State. In the year following, Burgoyne's army penetrated its frontiers, and laid waste the greater part of the country north and west of Albany. By the memorable battle of Orisko, upwards of three hundred widows and children were left to be supported by the State, as well as some hundreds at the north part of the State. These, together with the poor from the city of New York, were supported during the war, and no charges made thereof. The endeavors of the enemy to form a junction of their armies near the Hudson river was the cause of that State being so overrun that not one county escaped their ravages. Add to this, one-third of New York, the fine town of Esopus, and several hundred of houses in the frontiers were burnt, and immense property destroyed. For calamities so great, very few thought of obtaining vouchers, and for the destruction of armies no allowance would be made, which occasioned numbers to be reduced from affluence to want.

Large sums of money, said Mr. W., had been paid by the State of New York since the time limited for accounts to be exhibited for a settlement with the United States. The just debts exhibited by the calamities and the reasonableness of the excuse for their not having presented them sooner, operated with them so forcibly that they could not be withstood. Many accounts exhibited and not paid, will amount to upwards of one million of

dollars, and probably as reasonable as some of these allowed to the other States by the Commissioners.

But, it will be said, had not other States suffered? Mr. W. said he would ask, what State? Was it any of the New England States? Where, said he, had they their capitals kept from them during the war? Where had they their frontiers overrun and destroyed? Where had they their country laid waste and destroyed? Was it not a fact, said he, that during the war the inhabitants of New York had to procure their salt from the New England States, New Jersey, and Pennsylvania, which cost them, on an average, ten bushels of wheat for one of salt, and every other article in proportion? Add to this, they had from time to time taken from them all their grain, excepting what was scarcely sufficient to support their families, by acts of impress, and at a certain limited price, which was delivered for the use of the Army, and at a time when other States furnished supplies of a like kind, and were allowed more than double the price. I have known, said he, working oxen taken by the point of the bayonet from the farmer, and to this day not paid for; and will gentlemen say New York is a debtor State? He hoped not.

Mr. WILLIAMS hoped, when the sufferings of the citizens of the State of New York were only considered, when the vast destruction of their capital, and of their frontiers was taken into consideration, together with their situation during the war, he was persuaded that no more would be said respecting that State being a debtor State, and that such an odious stigma would be done away.

Did not, he said, the Commander-in-Chief observe in the most trying times, viz: in the year 1781, that if it were not for the exertions of the State of New York, and the supplies by them at that time furnished, he must have disbanded the Army? Did not one of the Commissioners, who settled the accounts, declare in this House (being a member at that time) that the debts of the debtor States ought to be done away? Was this not tacitly acknowledging that the accounts exhibited to them varied so much, that it was impossible for them, agreeably to the mode prescribed, to do equal justice? Add to this the charge made by some States for bounties, when that of New York could not exhibit the relative amount of a part of theirs, and others no bounty, when at the same time the classes as directed by law, raised the men by paying large sums for each unknown to the State.

Mr. W. concluded by saying, that since the war, the State of New York had always paid their specie requisitions, which, together with the like paid by Pennsylvania, was the chief support of Congress, until the Constitution or present system of Government took place, while some of the creditor States paid nothing; that, as the State of New York had done as much as their situation would permit them; had paid large sums of money since the war, which was borrowed to support, pay, and clothe their quota of troops; and many other matters of the kind, he hoped that the req-

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lution would be negatived, and no more said on the subject.

Mr. NICHOLAS thought there was inquiry which was necessary to precede the present question. Some of the States which were brought in debtors by the Commissioners, might hold debts of the United States, and it would appear somewhat odd that they should be called upon for money, when, perhaps, they were really creditors. In such cases all that could be expected would be, that a balance should be struck. He therefore proposed a resolution, directing the Committee of Commerce and Manufactures to inquire whether any of the States brought in debtor States by the Commissioners, were holders of debts of the United States? If they were, he said, the United States had the means of payment in their own hands. He should move that the Committee might rise, in order to bring forward this proposition.

Mr. W. SMITH said, he could not agree to the proposition of the gentleman from Virginia [Mr. NICHOLAS] nor was it necessary to say what measures would eventually be proper, in case of a refusal of payment, as that was not now the question.

The subject before them, he said, was a very delicate one, and ought to be treated with every degree of candor. He was glad that the gentleman from New York, had spoken upon the subject with a degree of temper and candor, which did him credit. The discussion was an unpleasant one, and could scarcely fail to excite a degree of irritation in the House, which, however, it would be desirable to avoid as much as possible. For many years, Mr. S. said, this subject had been under consideration, and it was much to be desired, that it could now be brought to a close. He knew no better mode of doing this than the one proposed, viz: that the debtor States should be informed of the sums with which they stood charged, and that payment should be requested in such a way as should prove most agreeable to them.

Mr. S. said, he should not follow the gentleman from New York [Mr. WILLIAMS] through the whole of his observations, because he did not think them relative to the subject before them. Some of them might have been properly enough suggested when the subject of balancing the accounts was before the House; he believed, indeed, they were brought forward at that time. He would mention some facts, relative to the business, with which perhaps some gentlemen might not be acquainted. In the year 1790, it seemed to be the general wish that an adjustment of debts and credits betwixt the General Government and individual States, with respect to the late war, should take place; that balances should be struck, and those States which were brought in debtors should pay, and those who were found to be creditors should receive what was reported to be just; and, in order to facilitate the business, a great deal of compromise took place, so that it was at length agreed upon with a good deal of unanimity. In order to give the States an opportunity of bringing forward all their claims, the Commissioners were invested with Chancery powers. After the business had

gone through the Committee of the Whole, there was only one question which occasioned any discussion, and upon this the yeas and nays were taken; this was the ratio by which the States should be charged. On a motion to strike out this ratio, it was lost, 45 to 10, and, what was remarkable, one-half of the Representatives from the State of New York voted for the existing mode, and the other half for striking it out. [Mr. S. here read an extract from the Journals.] It did not at that time strike the members from that State, that the ratio adopted would injure them. Whether subsequent events had made it unfavorable to them or not, was not now the question, but whether those States which had been reported debtors should be called upon to pay what was due from them.

Mr. S. said, this business might be compared to an arbitration betwixt individuals, where full powers were given to the arbitrators; for after all that could be said about the exertions of individual States was brought forward, it was agreed to put the matter into the hands of three Commissioners to make an award. These Commissioners were bound, on oath, to do their duty faithfully. The award was made and accepted by Congress. Whatever objections were held against it, should have been made at that time before the award had been carried into effect. Any complaints now brought against the principles and mode of settlement, were overruled by that award, as all parties were bound to abide by the arbitration; they could not now come forward and say the principle was bad, and therefore object to pay.

The only question now was, which was the best way of completing the business? He thought the mode proposed was the best. It appeared, by the report of the committee, that the following were the debtor States, viz: New York, Pennsylvania, Delaware, Maryland, Virginia and North Carolina. The whole debt was \$3,517,584, of which \$2,740,000 was owing by New York. The interest of the debt, at 4 per cent. is, \$844,211, which being added, made the whole \$4,361,802.

In our present embarrassed situation, said Mr. S., this money would be very acceptable. In order to meet the demands of the public creditors, it was well known that recourse must necessarily be had to additional revenue. It would, therefore, be very desirable if these debts could be collected, as it would serve to lessen that sum which must otherwise be collected from the people. Or this money, he said, might be usefully employed in providing for the defence of the country, either by means of a Navy, increase of Armies, or otherwise. Indeed, there were many beneficial objects to which the money might be applied; and he doubted not, when the debtor States knew the situation of the United States, those who were able to pay, at least, would come forward like patriots and cheerfully pay the sums due from them, in such a way as should be most agreeable to themselves.

Mr. S. said, he should suppose that even the debtor States themselves would wish to have these accounts settled, as it must be unpleasant to them,

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when claims were made from them upon the United States, to be told, they were in debt to the Union. He remembered an instance in the last session, where this was the case with respect to New York.

The people of New York then applied to Congress to put their fortifications into a respectable state of defence; they were then told in this House that they owed money to the United States. This is a very unpleasant reflection. The settlement now desired would do away such disagreeable insinuations in future, and such reflections should stimulate them to take measures to forward the payment of that money. As to the State of New York, he should be the last person who would say any thing that would be disagreeable to that State, as it was a State of consequence in the Union, and entitled to every degree of respect; but gentlemen must know that the finances of that State were in the most flourishing condition—that they had abundance of wealth. [Mr. S. here enumerated an account of their riches.] When, he said, they contemplated the situation of other States, with debts upon their shoulders, to pay the interest of which, and for the support of their civil establishment, they were obliged to tax their citizens, he did not think New York would suffer much by paying the debt in question. The State of South Carolina, he said, was at present considerably in debt, both domestic and foreign, for the payment of the interest of which and their civil list, they were obliged to have recourse to direct taxation on their land, whilst the State of New York had no taxes at all, though he understood the Legislature had recommended a tax to be laid, in order to accustom the people to the payment of a tax.

The only question, Mr. S. said, was whether any material injury could arise from the application proposed to be made to the debtor States for payment. If they had any well-founded objections to the payment of the respective balances, they would of course make them; if not, they would doubtless propose some mode of payment. But, Mr. S. said, if it was the opinion of the House that these debts ought at once to be cancelled, let it be done. Something ought to be concluded upon in order to put an end to so unpleasant a business.

Mr. HARPER said, it was very easy to see, by the turn of the present debate, that no very amicable or fortunate issue would result from the demand they were about to make upon New York. He did not believe that State would be prevailed with to pay the demand in question, and he did not know of any means of coercing them to pay. He was always opposed to threats, when he was not able to strike, or to making a demand which he could not enforce. He had no doubt that the settlement was just and proper, and that this State was really indebted in the sum specified; but, if they disputed the debt and the mode of settlement, they could not force them to pay it. From these considerations, it was his opinion they ought not to make the demand at present. He would not cancel the debt, as, at some future period, they

might go into negotiation on the subject. He wished to get rid of the business without a decision. He should therefore move that the Committee rise, and he would afterwards move that it be discharged from a further consideration of the subject.

Mr. CORR hoped the Committee would not rise. The gentleman from South Carolina seemed to think that a period might arrive when it would be proper to negotiate on the subject, but not at present. If the gentleman had stated any reason why he thought any future period would be more proper than the present for a settlement of the business, perhaps he might have concurred with him in opinion; but not having stated any, he was opposed to having the business postponed. The proposition, Mr. C. said, went no further than to ask the several debtor States, whether they would pay? and, until this question was put, they did not know but they were ready and willing to pay. He did not think this was the time to consider what measures should be taken provided the States did not pay. It ought not to be supposed they would refuse to do what was just. A number of the debtor States, indeed, might be considered as creditor States, since the money they owed, did not amount to so much as their share of the whole debt would be, provided it was not paid. [Mr. C. here compared the specific amount of the debts of different States with their share of the debt, to show that it would be their interest that the balances should be paid.] The gentleman from New York [Mr. WILLIAMS] as was common with persons over-zealous, had leaped before he came to the stile. The question was not now how the balances should be settled; that settlement had been made, and the payment of them was now the question. He hoped the Committee would not rise.

Mr. WILLIAMS said, he did not expect to have heard the observations which had fallen from the gentleman last up; for his part, he was persuaded the Representatives of the debtor States could make calculations for themselves; but he hoped calculations with them was not the object; the justice and equity of the measure would, he trusted, be their guide. Mr. W. wished the gentleman from Connecticut to inquire whether some States had not paid their specie requisitions at about one-third of their value, whilst New York furnished them at the full value.

In answer to the gentleman from South Carolina, Mr. W. observed, that he was sensible aid was wanting to the revenue; but he hoped that because New York had funds, they were not to be taken from them, right or wrong. The gentleman was however mistaken in saying there were no taxes in that State. If he would examine the laws of New York, he would find the county and town expenses were raised by tax, and \$45,000 annually besides. Mr. W. said, he had flattered himself that the gentleman from Carolina would not have brought forward this subject, as that State had been paid for the frigate built there unauthorized by Congress, which had been of no use to the United States, and the allowing that charge

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made them a creditor State. With respect to the funds of New York, he hoped they would remain with them as the fruit of industry and frugality. The gentleman had observed that one-half of the delegation from New York had voted for the rule of apportionment, that the Commissioners acted as arbitrators, and that the award was accepted. Mr. W. was of opinion the act and proceeding had thereon, was unauthorized by the Constitution of the United States, as it was a departure from the original contract, and that the State of New York had never accepted of the award, and was not bound thereby; and notwithstanding the gentleman asserted that the State ought not to come forward now and say we will not abide by the settlement, Mr. W. believed many awards had been set aside, and that this ought to be entirely done away.

Mr. CRAIK said, he should not have risen on the occasion, but from an observation which had fallen from the gentleman from Connecticut; he should also be for the Committee rising, and for the same reason as the gentleman from South Carolina [Mr. HARPER] and not wish them to sit again on the subject; as this is the wrong time to stir up an alarm in the country, which, he feared, debating on this subject would have a tendency to do. He professed to be well acquainted with the disposition of the people of Maryland, and he knew it would create many disagreeable sensations. Nothing could possibly be gained by the measure, and it certainly would tend to expose our own weakness and inability to carry the demand into effect. They could not at this time promise themselves any good from opening this subject, but much alarm and disaffection may be fostered. He therefore hoped nothing more would be said on the subject.

Mr. DEARBORN said, he had no great objection to the Committee's rising, but a very strong objection to its being refused leave to sit again. The subject before them, he said, required full investigation. He did not doubt but the State of New York and other States would act like individuals in similar situations, viz: honestly and fairly. What had been said about the mode of settlement had nothing to do with the present question. The referees had settled the business according to mutual agreement; they had heard the parties, made the award, and execution was about to be issued. But, at this time, one of the parties came forward and objected to the mode of settlement. What, he asked, would be thought of an individual who should so act? He believed but very indifferently. Taking it for granted that the State of New York would act like an upright individual in the same circumstances, he had great hopes from the proposed application. Nor could he ever consent to tax his constituents until some mode was taken to collect these debts, as he thought them just. Indeed he conceived it to be a reflection on the debtor States to doubt on this subject; and to suppose the application would occasion uneasiness and discontent, was to impute an unworthy conduct to those States. He believed they would act as they ought, and if the money was

not immediately paid, some compromise would take place. But, he said, it was not reasonable to suppose, that the people of Massachusetts, whilst \$1,200,000 were due to them on this settlement, would consent to be taxed to pay their share of the debt, whilst other States were debtors, and were not called upon to pay the money which they had received out of the Treasury. If the Committee rose, therefore, he hoped it would have leave to sit again.

Mr. GILBERT was not disposed to vote for the Committee's rising at present and to be refused leave to sit again; he was surprised to hear gentlemen object to the principle being examined upon which the balances were settled. He thought no man could conscientiously say the settlement was a fair one; not a man on this floor would like to abide by such a result. When we see New York two or three millions of dollars in debt—more than all the other States put together, can it be supposed they will pay it? The report of the Commissioners say it is a just and *bona fide* debt; and gentlemen now say it is not how the settlement was made, it must be paid. What, said Mr. G., was there never a judgment reversed? Was there never an arbitration set aside? Certainly there had been. What evidence have we that there was not an egregiously mistaken principle in the parties who settled the accounts? Where is the subscription of the parties to the award? He hoped the Committee would rise, as it is too late to go into a view of the subject with the adequate degree of examination due to it; and that it would again be brought up for further discussion.

Mr. LIVINGSTON hoped the Committee would rise, and have leave to sit again. He was glad the subject was spoken of as being of a delicate nature, and hoped this idea would still be observed. In this view of the subject it ought to have a full and dispassionate discussion. He said he had much to say on the subject—more than the lateness of the hour would admit. He would throw out an idea or two for the gentlemen's consideration, that they may prepare an answer, and which may serve for discussion to-morrow. He would observe that he objected to the nature of the law, and the mode of its execution. The Government of the United States had no right to impose any demand upon the State of New York, except it had given its full consent to the settlement of the Commissioners. The Representatives from that State have no power given them to agree to that arbitration, nor can they without the approbation of their constituents. The Legislature have the sole power to allow it. He did not know of any authority the Representatives had to bind their State to pay debts. His next ground would be that, if the business was considered as an arbitration, they have the right, in cases of controversy, to set aside the award. Were they to be told that it was the interest of some of the debtor States that these balances should be paid? and with the same breath gentlemen say, it is no matter whether the settlement was made fairly or not. He did not expect to have heard such sentiments expressed. He would ask gentlemen, was

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the award given between individuals in all cases final? Were not the aggrieved party permitted to come into every Court of Justice under the sun to make an appeal? Yet they were told in that House, that the State of New York was bound to pay, whether the accounts were fairly settled or not! One gentleman had taken much pains to endeavor to prove it would be to the advantage of all the debtor States, except New York, that the debts should be paid, and another gentleman had detailed those advantages. No doubt it would be of much advantage if fifteen States were to throw all their debts upon the other one; but, would there be any justice or credit attending such conduct? The answer was natural. He did not wish to throw any reflections on the gentlemen who executed the trust of Commissioners to this settlement; they might have done the best they could; but certain it was that improper charges, to an immense amount, such as would not have been suffered in any Court of Justice, were brought in by the creditor States, which had turned the balance in their favor, and made them creditor instead of debtor States. He therefore hoped that, as these matters required further discussion, the Committee would rise and have leave to sit again.

Mr. DAYTON (the Speaker) said, that he should have listened in silence to the gentlemen from New York, if they had contented themselves with declaring that they were unwilling to pay to the United States the debt which, upon a settlement of the accounts of the States had been awarded to be due from them. He should likewise, he said, have observed the same line of conduct, if those gentlemen had gone no further than to tell the House and the world that they were rich, and to boast that they were more prosperous than their neighbors; but when this their vaunting was accompanied with a manner, and expressed in a style calculated to cast a reproach upon all other States whose situation was not equally prosperous, he owned, that for his own part he could not passively permit the imputation to pass unnoticed. That the State which those gentlemen so happily represented was wealthier, far wealthier than his own, he meant not to contest or deny; but he would never admit, that it was ascribable, as had been said, to their superior industry. The Treasury of New Jersey was not, Mr. D. said, an overflowing one—their citizens were annually taxed to support their Government and to pay the interest and part of the principal of their debts. If they were comparatively poor, they were proportionably honest. They had never tarnished their reputation of good faith by refusing to acknowledge their just debts, nor avowed an unwillingness to discharge them as fast as their resources should enable them; they had never hastened to enrich the Treasury of the State by withholding from its creditors their just demands, nor sacrificed to the false pride of wealth the interests and claims of those who had trusted to their ability and confided in their justice.

Had the State, Mr. D. said, which he had the honor to represent, done otherwise, they too might probably have boasted of their ill-gotten wealth,

more especially if to such an act they had added another not more meritorious, that of appropriating to their own exclusive use a mass of valuable property, the back or Crown lands, seized in the course of the late war from the common enemy, at the common expense, and with the joint forces of the Union.

Mr. D. said, he wished the Committee of the Whole to rise, but not for the purpose of discharging them from the further consideration of the subject. He hoped they would have leave to sit again and decide upon the resolutions that had been offered to them; for he seriously believed, that if ever they were to call upon the debtor States to pay what they owed to the Union, this was the proper season for doing it. Every week's delay, whilst it seemed to give new strength to the unwillingness of those States to discharge their balances, weakened the ability of the General Government to enforce them. If ever it was in the power of the United States to obtain those debts, it was now; Mr. D. therefore hoped that measures would now be taken to enforce a payment of them.

Mr. GILBERT thought the gentleman last up had rather misstated. He did not recollect that any imputation had been cast on New Jersey. He had not boasted on the opulence of New York, nor charged other States with being poor. Gentlemen, he said, took it for granted that the debt charged to the State of New York was a *bona fide* debt; they think it is bound in duty and conscience to pay what is settled upon it, but he thought this wrong. If gentlemen look to the war, no State had done more or suffered more than New York, and none could stand higher on the score of merit. It was said that some States had not the same advantages as others. But why should that gentleman look at that particular circumstance? Had not other States confiscated land, and got the pre-emption right to land, as well as New York? Had not Massachusetts shared a full part of all the right which New York claimed and obtained from the Indians? And had not New Jersey done the same? He thought such allusions foreign to the subject. Whether the debt was just or not, would require more time than the present lateness of the hour would allow to prove.

Mr. HOLLAND hoped, when this subject came forward to be investigated, it would have been conducted with temper and decorum—particularly from the moderation with which the two gentlemen [Mr. WILLIAMS and Mr. SMITH] began it; but the gentleman from New Jersey, [Mr. DAYTON,] remarkable for his attention to order, had implicated all the States reported to be debtor States, hoping that measures would be taken now to enforce payment. He hoped there was justice among those States, and that they would come forward and pay what was due. If they were certain the debt was just, Mr. H. said, they would without doubt come forward and pay—however, he knew North Carolina would. But, when it was generally believed that improper and fraudulent charges had been admitted by the Commissioners, was it not to be expected that there would be a desire in them to have a review of the settle-

ment? He was confident whenever the debtor States should be convinced that the demands were just, they would open their funds and pay them, but not before.

Mr. DAYTON (the Speaker) rose to give a short answer to the members from North Carolina and New York, who had commented upon his observations. The former gentleman had insinuated that those who advocated the motion had done it with intemperance, bordering on indecorum; but Mr. D. was happy to find that no expression of his had been pointed out which might be construed into a violation of the strictest rules of decorum and good order, unless, indeed, for him to say that certain States were debtors of the United States, and that they ought to be required to pay what they owed, could be liable to that construction. The member from New York had affected to misunderstand him, when he spoke of their having withheld from the other States and appropriated to their own use that immense mass of property which had been acquired in the course of the war with Great Britain and their allies from the savages, at the common expense, and by the common exertions of the forces of the United States. He supposed that every member who heard him must have known that he did not allude to petty confiscations, but to those vast tracts of land called vacant or Crown lands, in the conquest of which every regiment belonging to New Jersey, as well as to the other States, were employed. New York had been willing that the Union should participate with them in the expense and danger of the conquest; but, after it was effected, they had refused any share of the benefits; and thus, by means of this and other spoils, had acquired an overflowing Treasury.

Mr. GILBERT said it would seem, by the observations of the gentleman from New Jersey, that the conduct of the State of New York was singular with respect to their having sold their vacant lands. He would ask if there was a State in the Union which had vacant land which had not done the same thing? Had any such State shared its land with the Union? Certainly not; and he could see no propriety in the charge against New York.

Mr. W. SMITH wished to observe, in reference to what had fallen from the gentleman from New York, [Mr. LIVINGSTON,] respecting that State not being bound by the decision of Commissioners, because the State had not consented to the settlement. He would remark that, besides the co-operation of the Representatives of that State, they appointed an agent to bring forward their claims, which certainly showed their acquiescence to the proceeding. Mr. S. said he was surprised to hear gentlemen dwell so much upon the injustice of the proceedings of the Commissioners, and upon the improper claims admitted, since he did not know how they could have come at their knowledge on the subject, since those proceedings had never been made public. With respect to the unfortunate frigate which had been alluded to by the gentleman from New York, he could say that the State of South Carolina was then paying for that

frigate, and that it was not charged to the United States as had been insinuated.

The Committee rose, and, on leave being asked to sit again—

Mr. HARPER hoped leave would not be given to sit again. He could not possibly contemplate a time when it would be expedient to renew this demand; at the same time he would declare himself opposed to anything like a relinquishment of these claims. However, he would not again go over his reasons for the Committee's being discharged from the further consideration of this subject.

Mr. BALDWIN replied upon it, that leave would be given for the Committee to sit again. It would be in fact to pursue the idea which the gentleman himself had lately expressed. The resolution under consideration is commencing the negotiation with the States which he had recommended. Mr. B. expressed great confidence that nothing would be necessary but to commence this negotiation, and that the States would at least discover a satisfactory disposition. If it was true, as had been contended by some members, that the general Board of Commissioners had conducted the business badly, or that they were wicked or corrupted; or if it should be thought by the States that they had proved themselves unequal to the work, as some seemed to suppose, which would set aside their award, the sooner it is known the better, that measures may be taken to form a new Board, and begin the matter anew. He persuaded himself, when they communicated with the States, it would be found there was not one which would desire such a measure. When he recalled the recollection of the manner in which the whole war had been carried on, without any rule of apportionment or any settlement of accounts between the States, and the ill-humor which had grown out of it, constantly aggravated by the yearly calls on the States for moneys to support the old Union, he was sure that no person who was a witness to the transactions of those times would have a wish to see them repeated. The amount was so great, and the whole so perplexed, as well as irritating, that the friends to the peace and union of the country have perhaps never experienced so critical and anxious a period. The Delegates used to bring forward their own State's claims, warmed by local zeal and private interest, and the Councils of the Union were for years agitated by the violence and passions of parties settling their old disputed accounts. Experience seemed to have convinced everybody that no settlement could ever be made in that way; that some persons must be clothed with the character of Judges, and the whole put over into their hands.

In October, 1786, the ordinance for this purpose first passed. He believed it would be found by the Journal that it passed unanimously. He had never himself been witness to any public measure which seemed to take off such a pressure from the mind of every one, or which was received with such enthusiasm. The measure was so popular and satisfactory that it was thought expedient the next year to extend the provisions, and give larger

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powers of Chancery to the General Board. The final ordinance on this subject was then passed. He believed it would be found in the Journal about May 6, 1787, and that this was also unanimous. After the formation of the Government, under the present Constitution, the same disposition continued, and the act just read by the gentleman from South Carolina [Mr. SMITH] was passed. If he mistook not, this was also without opposition.

These things, said he, are not unknown in the several States; the men who were concerned in these times and events are not all dead. He believed, when they should communicate with the different State Legislatures, these men would not be backward to show themselves, and to show that they were still of the same mind, and faithful to their engagements. Though some individuals in this House appear to be quite fresh on the subject, as if they had made new discoveries, and seem disposed to begin anew, and say all they know about South Carolina frigate, Penobscot expedition, sea-coast guards, military bounties, rule of quoting, &c., which had been for months, and almost for years, the subjects of general scramble—he had no apprehension there would be found in the States any disposition to revive those disgraceful scenes. However, if the States choose to go over the business again, the sooner it is known the better. This can only be done by writing to them as the present resolution proposes. If they mean to abide by the present settlement, and yet state inconveniences in complying with it, they who had served most with him knew he had not often been an advocate for interperence in public measures. He should not forbear to mention that there was one part of the subject which gave to him the most unpleasant sensations, and that was, where a State had, in a manner which he thought was not to be justified, obtained an advantage from our Treasury of certificates to the amount of one million two hundred thousand dollars, in the assumption, before the settlement of the accounts, upon a false presumption that we were indebted to them, when at the same time they were indebted to us a million of dollars. He should never believe, till he had seen the attempt made, that they could be reluctant in returning to our Treasury one million two hundred thousand dollars, in certificates, which had in fact been advanced to them by mistake; or that they could expect, in such circumstances, the other States to submit to a direct tax to raise money to pay them a quarterly interest on those certificates.

Mr. LIVINGSTON could not permit it to go out to the world, in the account of this day's debates, that he, or any of his colleagues, had made use of such expressions as charging the Commissioners with being wicked or corrupt, or with being bribed. Such expressions had neither fallen from him nor his colleagues. He had the highest respect for one of them, who was since dead; but still, he believed, men with the best intentions might have admitted improper charges to an immense amount. Indeed, it was impossible that three men, in their closets in Philadelphia, should be able to form a just estimate of the debts of the

different States. However, if the Committee have leave to sit again, and, if it were determined that the States should be called upon for the balances, he should bring forward a resolution to this effect, and show the grounds upon which his suspicions were founded.

The Committee had leave to sit again, and the House adjourned.

MONDAY, January 2, 1797.

JOHN MARE DE BORD.

Mr. SWANWICK presented a petition of John Mare de Bord. This was a French gentleman, who had served during the late war in the American Army. Being possessed of immense property in Hispaniola, he did not, at the end of the war, ask for his pay. Being, in the late insurrection in that Island, burned out of his whole property, he came here and applied for the money due to him, in a petition to the House of Representatives. This was during the last session. The Committee of Claims, on his producing a proper attestation of his service, were going to pay his demand. At least, he understood that they designed to do so; yet, it is possible, that he may have mistaken their intention. While matters were in this train, Mr. de Bord told the Committee of Claims that he had, at one time, received, in part of his pay, one hundred dollars from Major Haversham, then in the Continental Army, and now in Georgia. This partial payment he meant as a matter of fair dealing, but Mr. TRACY, chairman of the committee, saw the circumstance in an opposite light. He conceived that if part had been paid, it was likely that the whole might have been so. He, on that account, refused to let the petitioner get the money till an attested account should be obtained from Major Haversham. The petitioner has been at the expense and trouble of obtaining this account properly certified, and he now came forward in a second petition to Congress for the balance proved to be due to him.

Mr. PARKER made an objection to this petition on account of its being indecorously worded, in having made use of the name of the Chairman of the late Committee of Claims [Mr. TRACY] instead of the committee, when speaking of the fate of his former petition. Mr. P. said it might appear to convey some reflection on the conduct of Mr. TRACY, which ought, by all means, to be avoided; he hoped, therefore, however just, it would be better worded before it was received.

Mr. SWANWICK spoke highly of the merits of this petitioner, who, he said, from a pure patriotism and a love of liberty, had fought in the American cause during the late war—for which service he never intended to have made a charge—but having afterwards gone to the West Indies, and being one of the sufferers at St. Domingo, by which he was reduced to distress and beggary, he had made a claim upon the United States for his services. Mr. S. believed he was now kept by a farmer somewhere in the country, in consideration of his past services; and, as to any informal-

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ity of his petition, he believed it arose from ignorance of the forms required, (being a Frenchman,) and not from any intention to offend the Legislature of a country, which he termed in the conclusion of his petition, the freest and happiest in the world.

Mr. PARKER said, he should be extremely loth to withhold justice from any petitioner, but he hoped the gentleman would withdraw the petition, and *only* for the reason he had before assigned.

Mr. W. LYMAN was very sorry the wording of it, from so trifling a deviation, should make the petition objectionable. He did not see it at all offensive, as there was good testimony no harm or insult was meant, and it was owing entirely to the gentleman's ignorance of the rules.

Mr. MACON said, it had been determined against at a former session, and that, in addition to the other objection, he thought, ought to operate against receiving it. Although this proposed to produce an account current which had not been produced before, yet, he wondered that it had not come before the Committee last session, when the gentleman himself was before the committee. This petition was also barred by the statute of limitation, and therefore it ought not to be received. There was scarcely a case, Mr. M. said, but was continually coming before the House, time after time, although reported against as barred by that act. It was impossible to get through business, if this practice was allowed. He said the claims of their own citizens were rejected for that reason, and except some new evidence can be produced, it ought to operate against their admission.

Mr. SWANWICK said, the case ought not to be prejudged, but some feeling ought to be exercised towards a man who had hazarded his life in our service, and is now under such reduced circumstances.

Mr. THATCHER said, it appeared to him, that this trifling objection, of its not being exactly worded according to the will of the House, especially when the circumstances of the gentleman are considered, should not obtain to prevent its being heard. It appeared to him, the objections which had been raised bore a disrespectful appearance. But it did not seem there was any such intent in the petitioner. He was of the opinion of the gentleman from Pennsylvania, that neither that nor its having been before the Committee of Claims should prevent its being received. It appears there are new proofs to offer which he did not, or could not offer before. He wished the gentleman would withdraw his opposition.

The question was then put, "Shall it be referred to the Committee of Claims?" Twenty members only rising in the affirmative, it was not carried.

TREATY WITH ALGIERS.

Mr. PARKER called up the resolution which, some days ago, was laid on the table, relative to a call upon the PRESIDENT for information with respect to the Treaty with the Dey and Regency of Algiers. Mr. P. said, he found in the PRESIDENT'S

Address, at the opening of the session, this paragraph:

"After many delays and disappointments, arising out of the European war, the final arrangements for the fulfilling of the engagements made to the Dey and Regency of Algiers, will, in all present appearance, be crowned with success, but under great, though inevitable disadvantages in the pecuniary transactions, occasioned by that war, which will render a further provision necessary."

Under these circumstances, it was not only proper to know what further Legislative measures were necessary, but also to learn what steps had been taken for carrying into effect the Treaty with the Dey and Regency of Algiers. It was last year, he said, ratified by the PRESIDENT and Senate, and that House had passed the necessary appropriations, and he was sorry that any delay had taken place in carrying it into effect, as he understood some of the prisoners had died between the period of ratification and that of the release of the citizens held in slavery. Some difficulties had arisen, it seemed, with which they were not acquainted, and therefore he had brought forward the present resolution, not doubting that the PRESIDENT would readily give the information required.

Mr. SITGREAVES suggested whether it would not be proper to wait until they received from the PRESIDENT the communications which they had reason to expect from his Speech. It was certain they should receive information from the proper department in due time. The PRESIDENT had said, that further appropriations would be necessary, and, of course, information would be given them on the subject. When this information should be communicated, if it should not be so complete as to satisfy the curiosity of the mover of this resolution, he might lay a resolution upon the table, calling for further particulars. But, in the mean time, he thought it most proper to receive the communication which they every day expected. He had no objection to the resolution itself; he only thought it would be more respectful to the PRESIDENT to wait a few days for the information desired, than to ask for it.

Mr. PARKER wished not to fail in respect to the Chief Magistrate; but as large sums of money had been appropriated to carry the Treaty into effect, and yet, for some cause or other with which they were not acquainted, the business had not been completed, it became important to have some information on the subject. There was great anxiety, he said, in the minds of merchants trading to the Mediterranean, to know the state of this affair. He thought, therefore, they ought to obtain it as soon as possible. It was from respect to the PRESIDENT that he had not called up the resolution before that time. If the inquiry was longer delayed, he thought the House would be wanting in duty to their constituents. After the resolution was passed, he should not be for pressing the subject more than other gentlemen.

Mr. CRAIK said, he did not know that there was such a resolution on the table till then; but even from the mover's own confession, he did not

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see any use in the measure, as he had said he did not mean to press the matter after the resolution should have passed. The PRESIDENT had told them at the opening of the session that more money would be wanted, owing to some embarrassment having taken place; it was therefore to be expected that he would give them every necessary information on the subject; but, if they entered into the present resolution, it would be tacitly charging the PRESIDENT with neglect. The subject, Mr. C. said, was not particularly pressing, and, as they had much other business on hand, and as he doubted not, they should have the information in due time, he should be opposed to the resolution.

Mr. GALLATIN wished a clause in the law passed March 20, 1794, on intercourse with foreign nations, to be read—he believed it was expressed in general terms. [It was read, and proved to be so.] The PRESIDENT in his Speech, when he alludes to this subject, said Mr. G. only says that “final arrangements for fulfilling the engagements made to the Dey and Regency of Algiers,” &c., and concludes with, “measures are in operation for effecting Treaties with the Regencies of Tunis and Tripoli.” And it was perfectly clear that, if measures had not succeeded with the latter Powers, there was a sufficient sum appropriated to carry into effect the Treaty with Algiers; because there was not only appropriated the money for carrying that Treaty into effect, but also an additional sum of two hundred thousand dollars for both objects. He did not know, therefore, whether they should receive any information on this subject, except it was called for. Mr. G. said, they had already received an estimate of the expenses for the year 1797, and, although there were several items relative to foreign intercourse, there was not a single thing about an appropriation for the Algerine business. He thought, therefore, though sums might be wanted for effecting Treaties with Tunis and Tripoli, the appropriation would be wanted next year, and not this, and therefore there would be money enough now for Algiers. The only question was, whether it was their duty to ask for the information contained in the resolution? he believed it was, especially when they were told there had been great pecuniary losses, they certainly had a right to know what they were. The proposition, he said, did not ask for information how the Treaty had been completed, but how the money had been disposed of. This was information they had a right to have, in order to form a judgment whether these losses might have been avoided or not; and, as he believed they should not have the information except it was asked for, he should vote for the resolution.

Mr. GILBERT did not doubt but the House would get the information upon this subject as soon as possible; and he doubted whether it would come one moment the sooner for the resolution; for the PRESIDENT had promised it in his Speech. He therefore supposed it was now hastening as fast as it could; and he did not know why the House should precipitate the PRESIDENT on the subject.

He wished the House to wait a few days, until, in the ordinary course of time, there was reason to expect it; if it did not then come, he should vote for it, not but he thought it was that very moment preparing with all speed to be laid before the House; but, at present, he should vote against it.

Mr. LIVINGSTON said, gentlemen seemed to take it for granted, that the PRESIDENT meant to communicate to them information on the subject of the Treaty with the Dey and Regency of Algiers. He did not find this in the PRESIDENT's Address; he found only a kind of excuse that the Treaty had not been carried into effect. He did not say he would communicate what was the immediate occasion of the delay. It was the duty of the House, in a two-fold point of view, to call for this information; first, that they might provide the necessary fund, and secondly, to know what had been the cause of the great delay. The appropriations for carrying the Treaty into effect had been long since made, and unless circumstances unavoidable, and urgency very cogent, had taken place, he could not help thinking there must have been a fault in some department or other. From the usual promptness of the PRESIDENT, it was not to be presumed the delay was with him; but he believed it might be presumed there was a delinquency somewhere. It was not enough for them to be told that the delay arose from unavoidable circumstances; it was their duty to look into the business, and therefore he thought the present call a very proper one.

Mr. SWANWICK said, the gentleman from New York [Mr. GILBERT] seemed to think they might wait a few days for the information wanted. Mr. S. said, they had already waited for a month, and nothing was yet brought forward. Their session was limited, and it was important that the business to which the resolution before them related, should be speedily taken into consideration. It was very important as it respected commerce, which was never in a more critical situation than at present. It was high time to go into an inquiry on this subject, in order to know the train in which the business was placed, and to what the delays had been owing. He believed they had been owing to the derangements of money transactions in Europe; but of this they ought to be informed; and, if there was any charge to be made against that House on the occasion, it was for having delayed the inquiry so long.

Mr. GILBERT said, the gentleman last up seemed to speak as if the House had nothing to do, and were waiting for business from the PRESIDENT. He said there were various objects of great importance to the United States, which called for their attention; and as he had before said, a short time would probably bring the information without application; and as they did not know that it was unnecessarily retarded, there was no use in passing the present resolution.

Mr. SITGREAVES said, gentlemen who supported this motion, spoke as if the right of the House had been disputed to make the inquiry. He had not heard this doubted. The only reason for opposing it was, that it was unnecessary, and less

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respectful than it would be to wait for the communication. The PRESIDENT had said, that a further appropriation was necessary this session, and he thought this was a sufficient answer to his colleague [Mr. GALLATIN] and not next session, and therefore, he presumed, he would take care, at a convenient season, the necessary information was laid before them. He would not call upon them to make appropriations without showing both the necessity and the quantity required. He had already said there could be no question about their right of calling for the information in question; but he would not be understood to presume, with the gentleman from New York [Mr. LIVINGSTON] that there was a delinquency somewhere; if this were presumed, it would be directly in opposition to the assertion of the PRESIDENT, who had told them the circumstances of delay, &c., had been inevitable. Upon what principle, therefore, gentlemen should conceive there had been a delinquency somewhere, he could not see. He was therefore opposed to the resolution.

The question was put and carried—ayes 44, noes 31.

Mr. PARKER and Mr. GROVE were appointed to wait on the PRESIDENT with the resolution.

KIDNAPPING NEGROES.

Mr. SWANWICK moved, that the report of the Committee of Commerce and Manufactures, on the subject of kidnapping negroes and mulattoes, should be recommitted to that committee, with instructions to report by bill or otherwise.

On motion, the question was divided, "Shall the report be recommitted to the Committee of Commerce and Manufactures?" Carried.

"And that they report by bill or otherwise." Ayes 44. Carried.

FUGITIVES FROM JUSTICE.

Mr. MURRAY said, he had laid a resolution upon the table on a subject somewhat connected with the one just disposed of, which he wished to call up. It was for the appointment of a committee to inquire into the propriety of amending the act respecting fugitives from justice, and persons escaping from the service of their masters.

The resolution was agreed to, and a committee was appointed of Messrs. MURRAY, COOPER, and KITTERA.

BALANCES DUE BY STATES.

The order of the day was next called for on the report of the Committee of Ways and Means, on the balances due from individual States to the United States. The House accordingly went into Committee of the Whole on that subject, when

Mr. COOPER said he had no expectation when this business was first brought forward, that he should have taken any part in the debate that might arise on the mode of dunning the State of New York for a balance of about two millions of dollars said to be due the United States. Yet, when he heard a gentleman from Connecticut, [Mr. COIT] seem to pride himself that a settlement had been made and our State found in debt,

and treating our complaints of errors in that settlement as laughable or childish: when he heard a gentleman from New Jersey [Mr. DAYTON] declare, in a serious tone of voice, that no consideration would ever induce him to relinquish that claim; although errors may have existed, although frauds may have been introduced, although we may have many large and just demands not brought forward at the time of settlement; notwithstanding all this, it seems the gentleman's ears are shut to our complaints. When he heard a gentleman from Virginia [Mr. NICHOLAS] bring forward a resolution to sequester, or in milder words, withhold the stock which the State of New York has in the funds of the United States; when he heard a gentleman from Georgia [Mr. BALDWIN] who had been on the floor of Congress almost from the beginning; when he had heard that gentleman, with all his experience in the money concerns of the nation, declare, that the United States was always considered indebted to the State of New York until the settlement was made, and by this declaration bringing into view high-toned evidence that errors did exist against us in that settlement; for I contend, said Mr. C., that men and Governments always have a pretty correct idea of their general concerns—to hear all this and be silent, would be criminal: yet to argue on the subject, seemed to be of little use; for, when we look the United States in the face, and demand of them neither more nor less than substantial justice; when we complain that egregious errors exist in the general settlement; when we state that many just charges of large amount were not brought forward; when we state that large quantities of wheat were delivered by our State to the Armies of the United States at the depressed price of one dollar per bushel, according to a price-limiting statute of our State, existing at that time, and certificates issued by the officers for this less than quarter price; when we state that some other States received certificates at five dollars per bushel for their quotas of wheat, and that those certificates counted on their face at the time of liquidation and settlement with ours; when we state that powder-houses were erected at the expense of our State, and the proceeds turned into the magazines of the United States, and the charges never brought in at the general settlement; when we complain of these hardships, what answer do we receive? Why, from Connecticut, the sentiment is had; we do not understand you; from Massachusetts, a still more disagreeable tone, even a sort of intimation that we are quibblers; from New Jersey, a solid declaration that no consideration ought to diminish or dismiss this demand—giving our complaints to the wind without a hearing; from Virginia, a still more tough pill, even an attempt to *sequester our stock*. And why, or for what cause are we thus roughly handled? Is it because our Government, in order to keep up the Armies of the United States, gave a bounty of six hundred acres of land to such as would serve three years? Is it because our seaports were in the hands of the enemy during the whole war, our towns consumed

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with fire, and our merchants driven to the mountains? Is it because our frontiers were overrun with white men from Canada and savages from the wilderness? our flourishing villages laid waste and the inhabitants carried into savage captivity? is it because our middle counties bore the burden of being the seat of our own armies for several years? or, is it because the revenue which our State produces to the Union, is not more than a quarter of the whole revenue of the United States, that several States whose revenue to the Union is next to nothing, are so deaf to our complaints of errors and hardships on our part in that settlement?

What opinion, said Mr. C., should we have of a merchant, who should refuse to correct an error of great amount in a settlement made with his fellow-merchant, but should plead the settlement, and thus hold what he had got by a mistake or by a trick? Why, this would be his true character—that the man who is only bound by the law, would do any unjust thing were it not for the law: yea, he would, if you please, pick pockets, were it not for the penalty that follows.

An honest man is never afraid to have his charges examined again and again, knowing that the more the truth is rubbed, the brighter it shines. If the charge of the United States against our State is a just one, it will not be the less so for a new hearing. I again repeat it, what individual would refuse a re-examination of his accounts, if stared in the face by a fellow-trader, stating that he had obtained the greater part of his wealth by an error in settlement? No man would, no man dare. The frowns of society would prostrate him forever were he to attempt it, and more especially if the person of whom he had taken this advantage, was a man of good fame and of equal standing with himself. And, in this point of view, I contend that the State of New York is of sufficient responsibility in the Union; and of such reputation as to her accounts, as to have a fair claim on the United States, that an order may be had for a new hearing.

We further complain bitterly of the rule under which this settlement took place.

In short, said he, if it is honorable, if it is dignified, for the United States to refuse us a rehearing, or attempt to sequester our stock, it is not less honorable, it is not less dignified for our State to sell and transfer their stock in the public fund, and withhold payment of the same until the errors which exist against us can be corrected.

I shall be asked, said he, how this can be done? On which subject I beg leave to advance a thought that hath struck my mind as a thing that would be satisfactory to our State, and no more than substantially honorable and just on the part of the United States; which idea I shall cast before the Committee, to the end that if the measure now before the Committee should prove insufficient, something on its basis may be adopted; that is, that three Commissioners be vested with full power from the United States, to join three Commissioners from our State, with like power. Let them hear and determine whether any, and if

any, how much we are in debt to the Union? I have no doubt such a measure would be satisfactory to our Legislature, and I believe, if found in debt, they would make arrangements for payment. Should Congress refuse a rehearing of the just complaints of that settlement, as it relates to our State, which is entitled to this sort of tender dealing, I shall be for no provision being made to pay the demand. On the other hand, should Congress offer this reasonable and fair thing of a rehearing, and our State refuse or neglect to act, I shall be greatly disappointed in their attachment to the General Government, which I am sure is firm and of a durable nature.

Mr. HAVENS said, when these resolutions were first proposed, he did not think them very exceptionable, being brought forward on the plausible ground of giving information to the different States of the sums in which they stood indebted; but, if his information was right, notification had already been made to the different States of the amount of the balances found against them; and, therefore, these resolutions, could only be looked upon as leading to something further, even to compulsory means being used to obtain a settlement. In this point of view, though the resolutions contained nothing directly objectionable, they became so, and it behooved the Representatives of New York to oppose them.

Though, Mr. H. said, he was not authorized to say what was the opinion of the Legislature of New York of the settlement in question, amongst the most enlightened citizens of that State, he knew it was considered not only as unjust as to principle, but very greatly erroneous, and highly injurious to that State. He thought it probable that this was the opinion of the Legislature also; and substantial justice required that any error in any account should be rectified; at least, that the party who thought there was an error, should be satisfied. If the State of New York was satisfied with respect to the debt in question, he had no doubt it would be paid.

With a view of putting the business into a less objectionable form, he would propose an amendment, viz: after "earnest request," "that if they (the said States) or any of them, object to the principle upon which the balances have been made, they will make known their objections to the Government of the United States; but if no objection, that they will cause provision to be made," &c. Mr. H. said, he could see no objection which could be reasonably made to this amendment. If the State of New York had any objections to the settlement, they would of course appoint an agent to inquire into the mode in which the accounts had been settled; this inquiry would produce satisfaction, and whatever was found to be the balance, it would be cheerfully paid; but if this amendment were not agreed to, he said there might be embarrassments thrown in the way—embarrassments which might prove insurmountable.

It had been remarked, Mr. H. said, that this was a kind of arbitration, and that the award was final. He never understood it in that point of

light. If the business had assumed the face of an arbitration, it would have been settled in a public manner. An agent would not only have been appointed to bring in their own claims, but also to have examined those of others. But the business had been settled, rather in a private manner than otherwise. The books had been kept from view. If there had been no irregularity in the settlement, he could see no objection to its being laid before the United States at large. He had always understood there was some reason for keeping the accounts from public inspection, and it appeared somewhat strange. It looked as if there had been some errors committed which it were improper to show to the people of the United States. At any rate such ideas had prevailed; they had at least prevailed in the State of New York. For these reasons, he trusted, the amendment would not be objected to.

Mr. HENDERSON hoped the amendment would not prevail. It looked like inviting objections, at a time when there was no proof that any objections existed to the payment of the balances in question. It was allowed by the opposers of the report before them, that, at some period, it would be proper to enter into a negotiation with the debtor States. He thought there could be no better time than the present, nor any better mode than that prescribed by the resolutions before them.

Mr. KITCHELL said, it seemed to him as if the amendment was introduced for the purpose of giving the State of New York an opportunity to make apologies for not doing what justice and honor required of them; and supposed that the balance was to be drawn, and then kicked out of doors. It was very extraordinary that New York, having been notified upwards of two years of this debt, they would now require them to give some plea in justification of their conduct.

The gentleman up some time ago [Mr. COOPER] had painted the situation of that State during the war in very strong colors. Mr. K. said, they had most of them been acquainted with New York and other States during that period, and he thought it might be well known that other States did as much, and suffered as much. New Jersey had equal reason to complain of suffering, and, perhaps boast of doing, with that State. But while that gentleman boasted of what New York had done, Mr. K. would speak of what New Jersey had not done. New Jersey had not spent her time during the war in arranging her accounts, instead of being active in the cause of the country. She did not sit down supine and easy at the end of the war, and not care about her debt; but she taxed her own citizens heavily to settle those accounts. She did not take her accounts and put them into the hands of A, B, and C, meanwhile neglecting to pay her just debts, by which she happened not to be a debtor State. She did not, at the close of the war, obtain any money unjustly from the Treasury of the United States; nor did she come forward and seize on lands won by freemen from tyrants; she did not impose taxes on neighboring States to the amount of fifty or

an hundred thousand dollars per annum. No. But she had everything to fear, and everything to suffer, as much as New York. The House only called them to come forward to do what was just and right. We only ask them, said Mr. K., to come forward to pay what was awarded as justly due from them. As to the method of the payment, that is not specified; if they think this or that is the best manner to do it, let them come forward and state it; but if they refuse to settle it, they must be made. Let them state their objections themselves; he presumed they had not delegated their Representatives to come to that House and object to the payment of their debts. No. They were sent there for the good of the Union, to attend to Legislative business, and he thought they ought not to have interfered in this business without a delegated power. He should object to the amendment; but as to the resolution, he hoped it would pass in its first form; and when passed, New York could come forward and state any objection they may have, and then proper justice would doubtless be done.

Mr. HAVENS said, the gentleman from Jersey had been telling the House of what that State had not done, but he may with propriety be reminded of what it had done. Did not the gentleman recollect when that State laid a very heavy tax on the light-house at Sandyhook; he would ask him what principle that was from? Mr. H. would not have mentioned this, but as the gentleman had been boasting about the good conduct of the State he represented, he could not refrain. He said, he despised anything like advocacy on State merits or degradation on State evils; he thought such things had an unfavorable aspect to other parts of the Union. He therefore wished it had been avoided, but since it had been brought up, it could not well be left. That gentleman said the State of Jersey had not engrossed the back lands; he would ask him whether it was not because they never had it in their power? They could not get at them, but wherever it lay in their jurisdiction, Mr. H. was persuaded, they would have done it. However the tax on the light-house could well be remembered, if nothing else.

Mr. KITCHELL said, he did not mean to reflect on the State of New York. He intended only to refer to what had been said about the industry and wealth of that State at the expense of all the other States. With respect to the tax laid upon the light-house, he would ask whether the State of New York had not laid taxes upon every shallop and boat which passed from New Jersey to that State?

Mr. SWANWICK said, it was of little importance to the House what taxes had been laid by the State of New York or New Jersey. He hoped the amendment would not pass, because it would seem as if they themselves doubted the justice of the debt. If they had objections to the demand, they would state them, without any provision for the purpose.

Mr. LIVINGSTON said, he should confine his observations to the amendment, as that was under

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consideration. When the general resolution was under debate, it was objected by the Representatives from the State of New York, that she could not be bound to pay the balance in question, because she had not given her consent as a State to the law for apportioning the mode of settlement; but now they were told they must wait till that State make objections; that the Delegates in that House had no right to object to it, yet the State was to be bound by this settlement, which was made according to a law passed by the Delegates of that State in common with others. But if the Delegates had not a right (which was his own opinion) to object to the justness of the debt, they had certainly no right to frame the law originally, and then the resolution was wholly out of the question.

Mr. L. said, he did not think the amendment of his colleague invited objection. The friends of the resolution told them, that the application was made to know, whether it was agreeable to the States to pay the money or not? Now the amendment made the explanation what they said it was, but what appeared to the Delegates from New York doubtful. He hoped, therefore, the amendment would prevail. If it should not, it would cause what gentlemen seemed to wish to avoid, delay; because, if it was negatived, he should think it his duty to call for some delay, before the House agreed to pass the resolution before them. He therefore hoped, if gentlemen wished for celebrity, or consistency with their own arguments, they would not oppose the amendment.

The motion was put and negatived, there being only 21 members for it.

Mr. LIVINGSTON then moved, that the Committee rise for the purpose of a postponement. He thought they had a risk to ask this from the candor of the House. It was a subject which required mature consideration, and more time than gentlemen had yet been able to give it. He hoped therefore this delay would be granted. He wished before he decided on the business to obtain the sense of his constituents on the subject. For his own part he did not wish the decision to be put off altogether. He knew the disadvantages under which the Representatives of what were called the debtor States labored, and he wished to have it determined whether the State of New York was a debtor or a creditor, whether the whole transaction was to be binding, or whether the whole should be buried in oblivion? The result might be this. The Delegates from the State of New York do not represent her as a separate State, but as a State of the whole. It was possible that that State might come to such measures, as might induce her Representatives in that House to withdraw further opposition to the resolution before them.

Mr. W. SMITH hoped, as the gentleman seemed so earnestly to wish it, the Committee would rise.

The Committee accordingly rose and obtained leave to sit again, when

Mr. LIVINGSTON asked, if it was in order to move to postpone the business to a day certain?

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If so, he wished it postponed till that day three weeks.

The SPEAKER informed Mr. L. that the business was not then before them, and Mr. W. SMITH moved that the House adjourn. It adjourned accordingly.

TUESDAY, January 3.

SAMUEL SMITH, of Maryland, appeared and took his seat.

A new member, to wit: SAMUEL WHITTLESEY DANA, from Connecticut, in place of URIAH TRACY, appointed a Senator of the United States, appeared, produced his credentials, was qualified, and took his seat in the House.

On motion of Mr. SWANWICK, so much of the report of the Committee of Commerce and Manufactures as related to the petition of Aaron Sheffield, on the ground of new evidence being received, was recommitted to that committee.

BOUNTY TO OFFICERS, &c. OF LATE WAR.

Mr. CORT, from the committee appointed to inquire into and report their opinion of the equity and expediency of extending to the representatives of officers and soldiers of the late Army, who died in the service, the benefits given by the resolution of Congress, of September 16, 1776, to the representatives of officers and soldiers slain by the enemy, made the following report; which was twice read, and agreed to by the House, as follows:

"That, by the said resolution, in addition to the pay and bounty in money and clothing, to officers and soldiers who should serve in the Army during the war, certain quantities of land were promised to those who should so serve, and to the representatives of those who should be slain by the enemy; and that, by a resolution of Congress, on the 18th of the same month, the same encouragement was extended to those who had engaged before that time as well as after it. For a variety of reasons, which your committee suppose it of no consequence for them to detail to the House, they can well conceive that it might have been a question of expediency, at the time of passing the said resolutions, whether the benefits secured to those who were slain, should not have extended to those who died in the service; but those reasons appear to have no application to the present question; and it is now more than twenty years since that resolution passed, and more than thirteen since the close of the service to which it applied: your committee are therefore of opinion that there are no considerations, either of equity or of expediency, which would either justify or require the extension contemplated in the reference."

BALANCES DUE BY STATES.

The House resolved itself into a Committee of the Whole on the report of the Committee of Ways and Means, on the subject of the balances due from individual States to the United States.

Mr. WILLIAMS moved that the further consideration of the subject should be postponed to that day three weeks, for the reasons which had been urged by his colleague yesterday.

Mr. CORT hoped, except some stronger reasons than had yet been given for the postponement, it would not take place. The conduct of gentlemen

from the State of New York, he thought extraordinary on this occasion. It appeared as if they wished to give the business the go-by in silence, by means of delay. There had already been time enough for bringing objections forward, if there had been any, for the last three years; but now, when they were about to be called upon to pay, time was demanded in which to bring forward objections. For his part, he thought the resolution ought to pass at present.

Mr. LIVINGSTON was sorry the deputation from New York should be suspected of disingenuous conduct. They had explained their reasons for wishing the postponement, which were that they might have an opportunity to consult the State which they represented, and not to give the subject the "go-by" in silence, as the gentleman from Connecticut had supposed. Some of those members did not consider themselves as Representatives of New York, in a separate, independent capacity, but in general, as a State of the Union; and that it was necessary to have particular instructions on this point. The report, he said, had only been laid a few days on the table; and if his motion had yesterday been in order, for a postponement, he had not a doubt, from the disposition of the House, it would have passed. The gentleman from Connecticut had said that three years had passed since the settlement of these accounts, and no objection had been made to it on the part of New York. He acknowledged that three years had elapsed, and no steps had been taken to enforce the demand. He believed, indeed, that there was a kind of understanding at the time, that these debts were to be buried in oblivion. The creditor States had had their credits secured, but no order had been taken with respect to the debts. He mentioned this as a reason for no steps having been taken. He spoke of it, however, only from information. He hoped the delay of three years in the business, would not be brought as an objection against the short postponement now asked for. It had never been their custom, he said, to press subjects which were important, when delay was required by any member, on reasonable ground. The time asked was only a few weeks, that the members may consult their constituents, after which they were willing to give the discussion all the weight it would admit. He therefore relied upon it that the postponement would be granted.

Mr. N. SMITH said, it was never the custom of the House to press a subject when there was any reasonable ground for delay. The gentlemen from New York said it was necessary to hear from their State on the present subject, as they were not authorized to act for that State in its individual capacity. He agreed that they had no right to appear in behalf of that State individually, but he could see no reason for waiting to hear from thence before the resolution in question was passed. Could they not resolve to ask a debtor for payment, without asking leave of their debtor?—Were they about to adopt coercive measures, it would be reasonable to give them notice; but they were merely asking for the money. This, he said, was the proper mode of doing it, and would draw

forth their objections, if they had any, to the payment. These objections would be given by the State, and this was the regular way of receiving them; and therefore he could see no possible reason to postpone the present question.

Mr. GILBERT said, it would be recollected when the subject of these balances was under consideration, three years ago, that there was really an understanding in many of the debtor States, that, though it was necessary that provision should be made for funding what was due to the creditor States, there the business would stop; and, when the motion for relinquishing the debts was agitated, it was said there was no occasion to pass such a resolution, as there was no disposition in Government to enforce the payment. A member then in the House, and who was also one of the Commissioners, made the motion for relinquishing the claim, as improper. It was observed by the gentleman last up, from Connecticut, [Mr. N. SMITH,] that the members from New York had no business to represent the State individually. He did not understand the meaning of this assertion. Though he considered himself as a Representative of the Union, he thought himself particularly so of New York. In making this claim, Mr. G. said, the House should be assured it was well-founded. Whether it was so or not, this was the proper time to show, and it was therefore necessary that the Representatives of New York should have time to collect facts to show that the debt was not a fair one. There was no disposition, he said, in those members to give the motion the go-by; but the subject was of a serious nature, and required the delay which had been solicited. Another member from Connecticut [Mr. CORN] had endeavored, on a preceding day, to make it appear that it would be the interest of the other States to make New York pay the debt in question. Upon the same plan, he said, it might be the interest of all the States in the Union to combine and throw a tax on an individual State. He hoped the motion would prevail.

Mr. CHRISTIE wished the postponement not to take place. The gentleman who made the motion had already had an opportunity of making a long speech on the occasion, and, if the subject was put off for three weeks, he supposed they should have the story over again. He did not possess the fear which his colleague had expressed, of imitating the debtor States, by asking for payment. He thought when they wanted money they ought to call upon those who owed it for payment. If they gave the matter the go-by now, they should never receive anything. He was for bringing it to an immediate termination.

Mr. MACON said he should vote for the postponement. His reason was, that whatever was determined upon, the debtor States might not have it to say they had been unfairly used. North Carolina could not be interested in the delay, but gentlemen from New York had stated that they could, by means of the proposed delay, obtain certain facts which would throw light upon the subject. He did not know that this would be the case; but he thought they ought to be indulged,

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as very frequently delays were granted in business of much less importance. This very day, he said, a postponement had taken place in a decision upon a report respecting some land in the back country, on a plea of gaining information; and surely, when this liberty was allowed in matters of comparatively small moment, it ought to be allowed on a subject which, perhaps, was the most delicate that ever came before that House. He knew it was the general sentiment of his State that, if the settlement had been a fair one, they should not have been debtors but creditors; the postponement was, however, for too short a time to benefit them, but, as it had been desired by the gentlemen from New York, he wished it to take place.

Mr. MURRAY said, as a postponement for three weeks would not answer any purpose to the gentlemen of North Carolina, he wished it had been moved to extend it to six. He would, for his part, vote for any amendment to a measure which he conceived to be so radically wrong. He could wish the measure delayed to another session. Possibly delay might be of great value, not considering it on the scale of pounds, shillings, and pence, but on the score of public peace and tranquility. What, from the present temper of that House, and from the account given by the gentlemen from New York of the sentiments of that State, could be expected to be gained by the proposed inquiry? Nothing, he feared, but discontent and disunion, compared with which, four millions of dollars sunk into nothing. If a delay for three weeks were to take place, the justice of the claim would not be lessened, and gentlemen who desired it would be satisfied. And besides, he hoped, if a delay of one week only took place, the advocates of this measure, when they came to look coolly into the business, would be so satisfied of the mischiefs which would attend the pursuing of it, that they would be ready to relinquish it altogether.

It was hinted, Mr. M. said, that some of the States would refuse to pay; but if the gentleman's motion succeeded, and the demand was made, if it were refused, it must be enforced, or the dignity of the Government must be sunk. Had the gentleman from Connecticut imagined this? But, said he, suppose the resolution takes effect, and the Governments of the debtor States do not choose to comply, and you do not choose to enforce the demand, the law would sleep on your desk, and the impotence of the Government of the United States would be seen by all the world; and, if you did determine to force the States into a payment, you might, in some measure, throw them out of the Union in their individual capacity. Mr. M. said, he was not one of those who denied the justice of the demand; but he considered the matter more as a great political question, than as to what related to the four millions of dollars.

While he was up, Mr. M. said, he would just add, that he did not believe the State which he represented would be one of those which would refuse to comply with the demand; but, as he never could contemplate the payment of the whole debt by the State, he supposed the State of Mary-

land would make payment only upon the same conditions with other debtor States.

Mr. MACON said, that one reason for his voting for the postponement was, that the Legislature of New York was now in session, and might be immediately applied to. For his own part, he could wish the business postponed another year; as, never having been mentioned in Congress since the settlement, it had laid so long asleep that few members had thought upon the subject, and the different Legislatures had never taken any order upon the matter. Being from a debtor State, he was placed in rather a delicate situation, and therefore he had not chosen to say much upon the business; and believing, from the temper of the House, that a motion for a postponement of the subject till the next year would not have been carried, he had forborne making it; but these gentlemen in three weeks may be able to learn the will of their Legislature upon the subject.

Mr. THATCHER said, that when the motion was first brought forward, he was inclined to wish it might not be acted upon this session, but from a different motive than that which actuated other gentlemen. He thought the session short, and that they had business of greater weight which demanded their attention; but he thought the reasons which had been offered for a postponement were such as would convince every man that the resolution ought to be passed without the delay of a day or an hour. What was the reason, he asked, why some gentlemen wished for a postponement for three, others for six weeks, and others for a year? On the idea that there was a tacit understanding between the United States and individual States, that these balances would never be called for—what had been the consequence? The State of New York, finding the United States had slept over the subject, believed that they should not be called upon, and now, when the call was about to be made, it was said they were unprepared. But if the call was not persisted in, it would give countenance to the idea of its being abandoned, and because it appeared that one of the Commissioners had said it would never be called for, he therefore thought it now necessary to counteract that idea, and let it go no further.

This notification, Mr. T. said, was no more than a bare notification to the individual States that they had certain demands upon them. When this was done, if they had any objections to make to them, then was the proper time to choose agents to come forward and declare these objections; for, said he, if the different Representatives were to inform their States what was doing, the information would be irregular; therefore, the same reasons offered by the gentlemen for a postponement convinced him of the propriety of passing the resolution. Why, he said, were suggestions made that these States were unwilling to pay their debts? He thought it extremely wrong to form such a conjecture. The gentlemen who represent that State had said, they had no right to say that the State did not mean to pay the money; that they are the Representatives from New York to the United States, and of course they

cannot speak the language of that State on this particular.

The gentleman from Maryland [Mr. MURRAY] had offered a reason for not passing this resolution, which would have some weight in it if it was well-founded. These debts were not to be called for, he said, because it would cause confusion, and throw the debtor States out of the Union. If he thought so, he would not vote for a postponement of the subject, but that the Secretary of the Treasury be directed to blot it entirely out of the books. But he had no such idea. They did not know at present that the State of New York, or any other State, was disinclined to pay, as the Representatives had acknowledged they had no authority to make a declaration on the subject. As far as he understood the subject, the settlement was fair, just, and honorable; and every motive which would induce an individual to pay his debts, ought to operate on the debtor States to pay theirs.

Mr. GILBERT would just make one observation on what had fallen from the gentleman from Massachusetts. He, as well as several others, had taken it for granted that this balance was a conclusive settlement, and from thence there was no appeal. If so, it was fit time it should be known. As to the idea of the gentleman that the Representatives from New York ought not particularly to espouse that State, Mr. G. had no such idea. It was true he was a Representative of the Union, and as such he thought he had a right to give his ideas as fully as he pleased on that subject; he believed if no appeal was allowed the citizens of New York would be very much dissatisfied. The motion made by his colleague was only for a short postponement; but gentlemen said there was no ground for it at all; their ideas are, that the settlement was so conclusive as not to be suspected of injustice; but he thought this ought to be decided before a positive demand was made. He thought it was now the time to have that inquiry made; and he was sure, if upon a fair investigation there was good ground for the demand, that State would not refuse payment.

Mr. WILLIAMS did not mean to postpone the question over the session, but merely for three weeks; but if gentlemen who represented debtor States at a distant part of the Union would wish it, he hoped they would observe it; he should not object. He again mentioned the prevailing opinion, that the debtor States would not be called upon. He was sorry to hear gentlemen term this settlement a fair one. If it was what they described it to be, he would ask, why were they afraid of having it brought into a second examination? If they thought it what they called it, they would not refuse a discussion. The gentleman from Massachusetts [Mr. THATCHER] had said that not a day nor an hour ought to be spared in passing this resolution. He was sure that New York would not, on comparison with the State from which that gentleman came, lose any thing, either as to her expenditures or actual losses. He would ask for two weeks, if the other

request could not be granted. He only desired three weeks.

Mr. CLAIBORNE was at a loss to know what end could be answered by delay. Gentlemen had better at once propose a resolution that the settlement was an unjust one, and that therefore another should take place; but no one would attempt to prove that idea—no one had ventured to prove that assertion. It was in vain, he said, to dispute a point without its errors could be pointed out. The resolution required no coercive measures; it only asked the debtor States to come forward and fairly settle what the Commissioners justly reported to be due. The many observations made upon the subject in opposition to the question could only tend to put off the discussion. However, he believed the settlement to be binding; and to adopt the resolution would be the only way to bring the matter to a decision, and it could not fairly be objected to. He hoped, therefore, there would be no delay.

Mr. POTTER was averse to the postponement, because no sufficient reason had been given for it. It had been said, that when the Commissioners' report was received, the creditor States had had their credits funded, yet it had been tacitly understood the debtor States were never to be called upon for their balances. This, he said, was not a sufficient reason for the delay. It had been said that it was improper at this time to call upon these States for their balances. Was there any better time, he asked, for calling for a debt than when the debtor was able to pay, or than when the creditor wanted the money? He thought not. If there existed any objections to the payment of these debts, this was the best mode of bringing them forward.

It was said by the gentleman from Maryland [Mr. MURRAY] that this was a bad time to make the application, and that it might throw the United States into great confusion. If this were likely to be the case, it was best to know it soon. He had no idea of relinquishing the claim; and if they were not to be upon friendly terms with the State of New York, or any other State, but by the same means which gained them the friendship of the Dey and Regency of Algiers, he should not wish for it.

Mr. P. said he did not see upon what terms gentlemen objected to this resolution. It was a reflection upon the people of New York to do so. He himself had no doubt but they would pay the money when the demand was regularly made upon them, as it was their share of the price of the Revolution and of their freedom; and that gentlemen should suppose that making these demands was calculated to create confusion in the United States was extraordinary. By the report of the Secretary of the Treasury, they had a calculation on the subject of direct taxation. How were these taxes, he asked, to be collected? Were they not to be demanded from States which were taxing their own inhabitants? And would not those people, if the State of New York and others were excused from the payment of their debts, have good reason to complain at thus being called

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upon to make good other deficiencies? And would not they also be as likely to show a spirit of resistance when such demands were made upon them, as the State of New York when she was called upon to discharge her just debts? He believed the one case was fully as probable as the other.

Had the resolution on the table alone been attended to, the present business would have been simple, as it was a mere request for payment, and must have been answered with the money, or reasons why it was not paid? But the subject had been greatly wandered from. As gentlemen were, however, extremely anxious for a delay of three weeks, he had no great objection to its being granted, though no sufficient reason had been given for it. Mr. P. concluded by saying, he doubted not the honor of New York would force them to pay the money.

Mr. GILBERT rose, when the SPEAKER informed the House that the gentleman had already spoken twice, and that, according to the rules, without leave, he could not be permitted to speak a third time. Leave was granted; when Mr. GILBERT again objected to the justice of the claim against New York, and re-urged the propriety of a postponement.

Mr. THATCHER said, if he had the most distant suspicion that the application in question had any tendency to produce disunion amongst the States, he should be as strongly opposed to it as any man, because he considered the union of the States as the rock of their salvation.

The gentlemen from New York, who were the principal advocates for the postponement, did not agree sufficiently amongst themselves to warrant the measure. One or more of them said they were not authorized to act in the business, others said they were. If authorized, they could not want a postponement for instructions; and if not authorized, the resolution ought to pass, that their State might authorize somebody. Another gentleman had said a postponement was wanted because the settlement was not just. He believed it was just, for three reasons, viz: first, because though the settlement had been made three years, no objection had been made to it; because the settlement had been partly executed, so far as to pay the interest to the creditor States; and because the law making provision for the settlement and final adoption of it, made no provision for an appeal from that settlement.

For these three reasons, which Mr. T. said he had merely mentioned, but which would not suffer from being dilated upon, he should be opposed to every idea of breaking up the settlement which had been made.

The gentleman before him [Mr. WILLIAMS] said the House would not give them time to make the necessary inquiries. Mr. T. asked, what inquiries were necessary? The gentleman seemed to misunderstand the resolution. It was merely to give notice to the State to pay the debt, and did not preclude any reason which they might have to give why it should not be paid. He hop-

ed, therefore, no postponement would take place, but that the resolution would be agreed to.

Mr. MURRAY said, the gentleman from Massachusetts [Mr. THATCHER] had misunderstood him, if he thought he had asserted that certain States would be thrown out of the Union if the resolution was entered into. He thought he had accompanied what he had said with such expressions as that he could not have been mistaken. His meaning was, that if the State of Delaware, for instance, was obliged to pay the debt due from her, added to her present burdens, it would have the effect to bear her down so much as to deprive her of her political consequence in the Union. Other States who were debtor States might be mentioned, with whom these debts, in addition to the direct taxes, would have been burdensome. He did not mean that the Union would be dissolved by it.

Mr. CRAIK rose to make a motion, if in order, that he thought would meet the ideas of many gentlemen, and many of the objections urged by others; and, for reasons which operated in his own mind, he hoped would prevail, which was, to postpone the further consideration of this subject till the next Congress. It appeared to him that the reasons given by the gentleman from New York for a postponement of the business only three weeks, would not operate on him to vote for it; the object did not at all extend to his ideas, that urged for a reason that the settlement was not equitable. Mr. C. said, he did not mean to object upon that ground. He wished there may be time allowed for cool deliberation. The States would have it in their power to re-examine the settlement which had been made. He would wish the door at once to be shut to the business at the present session. He was surprised to hear gentlemen deny that the carrying of this measure into effect was not likely to produce warmth in the country. He thought the conduct of gentlemen in that House proved the contrary; for he thought they could not expect that the people whom they represented would be more cool on the subject than they were. The consideration of this warmth, he said, operated in his mind against taking up the business at all.

Did not that House pledge itself, when it once took up a subject, that it would go as far as it could in it? Gentlemen said that they did not mean to take any coercive measures, but only to make the demand. If the House determine they will call on the debtor States, they call it a just debt by that determination, and must go through to enforce the payment; but if after that declaration they do not enforce it, it will only expose their weakness, and without answering the least purpose. When he considered himself in the capacity of a Representative of the United States this was his opinion; and when he again considered himself more particularly a Representative for Maryland, one of the debtor States, he could see no reason to alter his opinion. He was bound to oppose the resolution.

Mr. C. thought the State of Delaware, though it had scarcely been mentioned, would be more particularly affected by a payment of the ba-

lances in question than any other. The State of New York, he said, was fully able to pay; but the same could not be said of Delaware. Indeed, when he saw New York unwilling and Delaware unable to pay these balances, as a Representative of Maryland, who was a small debtor, he could not consent to the payment of that debt, when there seemed to be no probability of enforcing payment from other States.

He hoped, therefore, the House would agree that this was not the proper time to make the application in question, and vote for a postponement till next session.

Mr. ISAAC SMITH said, if he understood the measure, it was to inform the States that there was such a sum of money stood charged against them. There was no threat in the resolution; and if they had any objections to make to the demand, they would then make them. He had no objection to the notice being expressed in as mild terms as possible. The opposition to the resolution was as warm, he said, as if it carried an execution along with it. He thought this warmth might be withheld, at least for the present.

He supposed there would be delay long enough before the money would be paid.

Mr. LIVINGSTON said, that this was not merely a notification, but a requisition. A tacit agreement had been urged. Why, then, all this unexampled hurry in pushing it on now? This had an aspect as if the matter was to be hurried on because the Commissioners who had recommended an abolition of the debtor balances were not in the House. The hurry now exhibited was not consistent with the candor always expected from the House. The question was immensely interesting and important. The celerity in pushing this thing through the House might have a bad effect on the debtor States. Gentlemen say that this call cannot produce warmth. At the same time they do themselves betray the utmost warmth.

A member inquired what was the question?

The SPEAKER said, the question was for a postponement for three weeks. The gentleman from Maryland had moved to postpone till next session, which was not in order. A day certain must be mentioned, and even that would not be in order, except seconded, which was not the case with the gentleman's former motion.

Mr. CRAIK then moved, and the motion was seconded, to postpone the question until the first Monday in December next.

Mr. GALLATIN said, there seemed to be three different grounds upon which a postponement was urged. The first was, on an insinuation that some sort of agreement had taken place, when the sums due to the creditor States were funded, that the balances due from the debtor States were to be relinquished. So far from this taking place, Mr. G. said, a motion to this effect had been made and negatived at that time, by the yeas and nays being taken upon it, 53 to 28. He was hurt, therefore, to hear of this insinuation. The next ground for a postponement was founded on a suspicion that the settlement made by the Commissioners was not just. He said he was not going to express any opin-

ion whether the settlement was a just one or not; whether the rules adopted by the Commissioners were good or not; whether the mode of stating the accounts had been the best. It was desirable that a private settlement should take place, and though it fell hard on some, it was not the less desirable; but supposing, however, that any of the debtor States, or any State, had a right to object to the settlement, to the jurisdiction of the Commissioners, and of Congress, and were not to be bound except by the Judges of the Supreme Court, the proper time to have made the objections was when the bill for funding the balances to the creditor States passed, for that was the time for carrying the settlement into execution.

Why, therefore, Mr. G. said, there should be a postponement of three weeks to enable the New York members to send to their State he did not know. They had had time enough, and he thought the business would have been better done three years ago than now.

The arguments adduced by the gentleman from Maryland [Mr. MURRAY] seemed to have weight; that to carry the measure into effect might create confusion; and that we had not power over the States to enforce payment. As to the danger of confusion, there was as much on the one side as the other; because those States which were to receive benefit from the payment by the debtor States would have as much cause to complain if those debts were not paid as those debtors being obliged to pay what they owe could have.

The only ground, then, was the want of power to coerce the States; and this, he owned, appeared to be strong. Yet, this ground was rather against the resolution itself. It was better, he said, to quit the whole business at once, than to postpone—than to leave the subject to irritate the minds of the people to no purpose. If it were postponed till next session, the people would be operated upon by a fear of having the money to pay; and the States who owed it would also remain dissatisfied.

Mr. G. thought, therefore, it would be best to put the question, and to see whether they had the power in doubt, or not. Rather than adopt any resolution to postpone, he would cancel the subject altogether.

He would say a word as to coercion. He did not see any power they had over the States, except by attaching any of their property. He saw no other way in which they could lay hands on a State: nor was this owing to the weakness of Government, as had been insinuated. This settlement of accounts was a remnant of the old Government, and had nothing to do with the present; for now, their power was to be exercised over individuals, and not over States.

As to the resolution itself, if they went into a Committee of the Whole, he might perhaps make some observations upon it. He had been at a loss to know why this subject had not been entered into before, and why it should be brought forward now. With respect to the notification, he believed the States had already been notified. As it would not be in order, however, to go into the subject

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generally, he had confined himself to the question for postponement.

Mr. CRAIK's motion was then put for postponing till the first Monday in December next, and lost—yeas 27.

Mr. WILLIAMS's motion was put for postponing three weeks, and lost—yeas 29, nays 51.

Mr. COOPER then moved the question for a delay of one week, which was lost by the same number.

The question was then put for the House going into a Committee on the subject, and carried—yeas 50.

And the House went into Committee of the Whole.

Mr. VAN ALLEN said he wished to simplify the subject as much as possible. He believed it was very important to convince the State of New York that the settlement had been made upon fair and honorable principles; because, if they were convinced of this, they would have no objection to pay the debt; but, knowing the general sentiments which prevailed in that State of the unfairness of the transaction, he was desirous that some step should be taken which would serve to adjust the business. He thought he held in his hand an amendment which was calculated to have that effect. It was as follows: To insert after the word "indeed," "and that the proceedings of the said Commissioners shall be open for the inspection of such agent or agents as the said debtor States, or either of them, shall appoint to inspect the same."

Mr. HARPER believed that the gentleman who brought forward this amendment would have been the last to have done so, if he had seen all the mischiefs which would be consequent upon carrying it into effect. It would be to undo all that had been done with the greatest labor, and with the greatest difficulty, for three years; and what, he asked, would be the consequence? Were they to resettle the subject, and consume two or three more years in the affair, there would be no security that New York, or some other State, would not be dissatisfied; so that there would be no end of such a business. He was of the number of those who wished to have passed by this settlement, at present, altogether; but the majority had said, We will have a decision. Let them make one. If he was called upon to vote upon the resolution, he believed he should vote against it; but at all events he should deprecate, more than any other possible course, the ripping up of this long dispute.

Mr. WILLIAMS hoped there would be no objection to the amendment of his colleague. If he understood it, it meant this: that they wish to know upon what principle the Commissioners settled those accounts, and whether the statements were accurate. It was conceived, he said, that some States had brought a number of articles into the charge which others had not, and that thereby they became creditor States, whereas they would otherwise have been debtor States. Some States, it was suspected, had been allowed four times as much for the same articles as other States, and only because they charged it. If this is the case, it must be certainly cause of discontent to those

States denominated debtor States; if not, where will be the injury of exposing the accounts to give satisfaction to those States? It may be, Mr. W. said, that New York would be disappointed in her judgment on this; if so, he believed there would be no difficulty to the payment. Was it not right, then, he asked, that they should have all the information possible on this subject—that the principle should be known—not that they wished to overturn anything that had been done; the motion extended only to a necessary inquiry, for what they were to pay the money? The settlement was altogether in the dark. The Commissioners had full power. No person was allowed to come before the Board with or for information, and no specific account rendered of the debt, but merely the sum-total. Perhaps that was the first time that ever accounts were so settled. Surely, then, New York could not be blamed for doubting the fairness of that settlement, especially when they knew somewhat of the proportion they furnished to many other States that were returned creditor States. There must have been wrong charges and calculations made. He hoped, therefore, if they were to be called upon for payment of the demand, they would be allowed to see upon what principle the settlement took place.

Mr. W. SMITH observed, with respect to the gentleman from New York opposing the motion, that the members of that State had generally allowed (and nothing could prove the contrary) that they were not instructed by their Legislature to oppose this settlement. The House, he observed, did not know that New York opposed it; they did not know that they would scruple to pay the money. He thought it had been sufficiently discussed, and, until the House were possessed of information on the unwillingness of that State to settle these accounts, it was in vain for so much debate to take place, when time was so much wanted.

Mr. VAN ALLEN said, the settlement was either made up on just and equitable principles or not. If upon principles that were fair, the people of New York would be satisfied with them, and pay the demand; if not, they surely would object. But, he said, would not that obscure way of doing business tend to make them think that there was something which the Government would wish not to be shown to day-light? The effects of the resolution would be this: that New York would be satisfied that the debt was owing, and therefore proceed to take means to pay it, or would be able to satisfy the General Government that it was not owing—either of which would have far superior advantages to the mode hitherto adopted. This was his reason for making the motion, and it was but just that it should pass.

The question was then put on the amendment, and lost, as only twenty members rose in the affirmative.

Mr. MACON said the original question was now before the Committee, on which he should make a few observations. It had been observed that the present was the proper time to call for the debts, but he thought it, of all times, the worst. It was well known what a scarcity of money there was

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now. How came these States in debt to the United States? Who made them debtors? He, answered, The United States. The United States, he said, had assumed the State debts—some of which were not half, others not a quarter, of the sum assumed. Thus, many States which were now debtors would have been creditors. If North Carolina had supposed she would not have become a creditor State, he did not believe she would have been willing to have given up the Western Territory.

Mr. LOCKE said he believed his observations would answer no purpose, but, as he could not comply with the settlement, he must give his reasons, which were, the unfairness and privacy of the settlement. North Carolina had every reason to believe she was a large creditor State, particularly as she struck off a million of dollars, at her own expense and credit, for the general cause. She exerted herself as much, or perhaps more, than any other State, and three times more than some of her neighbors who were creditors. However, he would waive any further observations at present, but should vote against the resolution.

Mr. GILBERT thought the subject ought to have more consideration, and therefore moved the Committee may rise, and have leave to sit again.

Mr. COOPER supposed the House would next send and form a Treaty with New York, as he supposed they were as bad as the Algerines. He meant to make a motion to that effect to-morrow.

The Committee then rose, and obtained leave to sit again.

TREATY WITH ALGIERS.

Mr. PARKER, from the Committee appointed to wait on the PRESIDENT with the resolution of the House requesting information on the situation of affairs between the United States and the Algerines, reported that the PRESIDENT informed them that, before he had heard of the resolution, he had directed the necessary papers to be made out, and, as soon as they were ready, they should be laid before the House.

INTERNAL REVENUE.

Mr. HARPER said, that a Report had been made by the Secretary of the Treasury, during the last session, of a statement of the internal revenue of the United States, with an account of the expense of collection, &c. He said it was a mere temporary order; but, as it was desirable information, he thought it would be well for the House to be furnished with a similar statement every session; he proposed a resolution, to this effect:

Resolved, That the Secretary of the Treasury be directed to lay before the next, and every succeeding session of Congress, within ten days after their meeting, a statement of the internal revenue and the expense of the collection, and produce thereof."

The resolution was agreed to.

ADDITIONAL REVENUE.

Mr. W. SMITH, from the Committee of Ways and Means, to whom it was referred to consider the subject of further revenues, and the provi-

sions for more effectually securing the internal revenues, reported thereon; which was ordered to be committed to a Committee of the Whole House.

Mr. SMITH wished to make it the order of the day for Monday next.

Mr. CRAIK wished a delay for a fortnight. The subject was new to him, and he wished to consult his constituents.

Mr. GALLATIN said that the Committee of Ways and Means had thought it needless to enter into details on this subject, till they saw whether the House would agree to the general principle of the resolution. The subject had been known since last session: the sooner it was entered into, so much the better. Either these or some other funds must be found out.

Mr. MURRAY wished his colleague [Mr. CRAIK] to withdraw his motion. This was done. The report was made the order of the day for Monday next, and ordered to be printed.

RELIEF OF IMPORTERS OF GOODS.

Mr. BLOUNT moved that the Committee of Commerce and Manufactures be instructed to inquire whether any, and if any what, alterations are necessary in the existing laws respecting the entry of goods, for the relief of importers of goods into the ports of North Carolina, lying upon the waters of Pamlico Sound, and the better securing the duties payable thereon. Mr. B. urged, as his reason for introducing this motion, the great disadvantages attending the entries in those parts, in proof of which he read a letter from a respectable correspondent, making complaints on that score. It was accordingly committed.

LICENSES TO PILOTS.

On motion,

Resolved, That a law ought to be passed, authorizing the Boards of Commissioners of Pilotage, in Virginia and Maryland, to grant licenses to persons qualified to pilot vessels to any of the bays or rivers of the Chesapeake.

Whereupon, it was ordered that a bill be prepared and brought in by the Committee of Commerce and Manufactures.

WEDNESDAY, January 4.

DANIEL BUCK, from Vermont, appeared and took his seat.

REMISSION OF PENALTIES.

Mr. SWANWICK presented two petitions, one from William Patten, the other from David Miller, formerly grocers in this city, praying for a remission of penalties incurred in having sold wine and spirits by retail, without license. The former stated that he had declined business in August last, and had only reserved the remainder of a hogshead of spirits for the use of workmen employed in a building, and that if any part of it had been sold, it was without his knowledge. The latter stated, that he had only reserved a cask of damaged wine for the purpose of making vinegar, and that none of it had been sold, except on

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great solicitation, one quart by his wife to a strange man. Mr. S. moved that these petitions be referred to the Committee of Commerce and Manufactures.

Objections were made to a reference of them at all, as an improper subject for Legislative interference. If the petitioners, it was said, had offended against the law, they ought to pay the penalty; and if that House were to employ themselves in such petitions, they might sit the whole year round about subjects worse than nothing.

Mr. SWANWICK observed, on the other hand, that he understood the cases of these petitioners were hard ones, having had some conversation with the District Attorney on the subject, and that, at least, the petitioners ought to have a reference, since, if the Committee of Commerce and Manufactures (or a select committee, if such a reference should be thought more proper) saw no reason to make an exception against the law in favor of these petitioners; and he believed it would not be said they were very apt to do so; their report would be very summary, and consume but little of the time of the House.

A reference was denied, by a great majority.

UNITED STATES TITLES TO LANDS.

Mr. LIVINGSTON said, as they had lately shown much anxiety about the ideal property of the United States, he thought it was necessary to show some respect to its real property; for this purpose he moved a resolution to the following effect:

"Resolved, That a committee be appointed to inquire into the title of the United States to lands lying west of Pennsylvania, between the forty-first and forty-second degrees of north latitude, lately claimed and sold by the State of Connecticut."

Ordered to lie upon the table.

BALANCES DUE BY STATES.

A motion was made for the House going in a Committee on the balances due from certain States to the United States; when

Mr. NICHOLAS rose and said, though the proposition he had made the other day was at that time thought improper, he was more and more convinced of its propriety. He thought the course proposed to be taken by the report which had been made was not the best; he thought they were courtng opposition, and giving the State of New York an opportunity of imbodying its opposition, so as to make it dangerous to attempt, if it should hereafter be thought necessary, to enforce the payment of the balance in question. He believed the United States had it in their power at present to do themselves justice; but were the United States to lay their hands on the funds of the State of New York as a security for their debt, there would be nothing left to operate upon the minds of the people of that State but the justice of the measure, as they would no longer foster any idea of evading the debt. He could see no objection to this proceeding.

If there was danger of a serious conflict with that State, in order to recover this debt, he, for

one, would choose to relinquish it altogether; but if they were to pay themselves by laying hold of their stock, he believed that State would acquiesce in the measure, and there would no more be heard of it, which might not be the case if they made a demand, and were to wait for objections or a refusal of payment. From the zeal which had been shown by the gentlemen from New York on this occasion, he asked if it would be extraordinary if that State should put it out of their power to do themselves justice; and whether, when the opposition to the demand should be drawn into a focus, it would not be increased in its force? He thought there could be no doubt it.

There was one objection to a proceeding of this kind that might have some weight. It might be said, for instance, that the State from whence he came, or others, might refuse to pay, after they had distrained upon the funds of New York for their debt. It might be so. He believed that one of the debtor States could never pay. This was no reason why they should not receive the debt from New York. They might nevertheless allow so much from the amount as should be equal to the deficiency in the payments of the other States. He thought to adopt this plan would be to avoid any disagreeable conflict which might otherwise take place, and be a means of preserving harmony between that State and the United States; he therefore proposed a resolution to the following effect, which he wished to be committed to the same Committee of the Whole to which was referred the report of the Committee of Ways and Means on the subject:

"Resolved, That the balances due from certain States in the settlement of accounts between individual States and the United States, shall be discharged out of the funds which such States may hold in the Public Debt of the United States, and that the Secretary of the Treasury have directions accordingly."

Mr. GILBERT said this conduct was unexampled even between nations at war. It was at once making power right. It was true, no such remedy could be taken with the State which the mover represented, as it did not possess any part of the stock of the United States. How far this conduct was right, would need, he thought, to be reflected upon a little. Even European nations had abandoned the practice of violating public faith. The gentleman had given it as a reason for his conduct, that the State of New York might withdraw their money from the funds, and thereby prevent them from paying themselves. He believed they might do that in three days' time, and therefore the gentleman's project could not be carried into effect. But he trusted the United States would never show themselves so lost to every principle of honor as to attempt such a measure.

Mr. HARTLEY hoped this measure would not be referred. He thought the measure a very improper one. It differed exceedingly from the resolution reported by the Committee; that contemplated a friendly request to the debtor States to make payment; but the resolution now offered

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went to coercion immediately. By our Treaty with Great Britain, the public securities were guarantied, and not to be attached or seized upon any pretence whatever. Shall we, then, said Mr. H., treat a sister State worse than a strange nation? He hoped so ungenerous a policy would not prevail. He had no doubt but the State of New York would be inclined to do what was just and right; and if they objected to pay, they would doubtless give their reasons for it. As to the State of Delaware, Mr. HARTLEY was of opinion that she was unable to pay the balance found against her. He presumed she would state her inability, and that relief would be granted her. Though that State perhaps did not advance much money during the war, yet she furnished more than in proportion to the number of citizens; he was therefore decidedly against the resolution.

Mr. LIVINGSTON had no objection to the reference, because he was curious to hear arguments in support of this new mode of keeping up harmony between the States and the United States. It would doubtless require great ingenuity, and introduce a new kind of morality and of logic, to prove that to seize upon the property of a State was to cultivate harmony with it; for, in his opinion, the proposition was contrary to all principle and fair conduct.

Mr. CORR was at a loss to know the intention of the mover of the present resolution, whether it was to forward or defeat the object in view. If he intended to serve the cause, he would make use of the same homely adage in respect to him that he had done with respect to another gentleman, that "he leaped before he came to the stile." The original resolution, he said, was merely to call upon the States for payment; but to talk about seizing their property, was to suppose they would not pay. The gentlemen of New York, it was true, had said much against the justice of the debt; but they were not authorized to act in the matter. Had they asked for money? No. Was it proper, therefore, in this stage of the subject to take such a step as was then proposed? It was even a very serious question to determine whether, in any case, they should be authorized to seize their funds.

Mr. W. SMITH hoped that the House had more confidence in the honor of that State than to take it for granted they would refuse to pay their just debts; he hoped they would not. Such a step at any time would require much serious consideration before it was adopted. Besides, he said, it was singling out the State of New York, as though there were no other States in that situation; but even in any situation, he should doubt as to the justice of adopting this measure; it was, as the gentleman last up observed, quite prejudging a refusal before it was asked of them. And even were they to refuse payment, he was as doubtful of the propriety of laying hands on their property. He hoped the House would never embark in a measure so unjust as that proposed. The resolution first read was in itself moderate, and gave equal liberty to all the debtor States, whereas this was very severe and levelled only at that State.

Mr. GALLATIN said the arguments of the gentleman from South Carolina were rather against the resolution itself, than against the propriety of committing it. One of the gentleman's arguments was not founded in fact: he had said that the measure would affect New York only. But of the six debtor States, four of them had property in the funds of the United States; two of them had more than they owed. Pennsylvania had six times as much in the funds as she was reported to owe; therefore the measure could not be singular towards New York.

But, Mr. G. said, he considered that when a resolution was laid upon the table, the only argument against committing it must be, that it was evidently glaringly imprudent and improper. As to this resolution being proper or improper, prudent or imprudent, he could not say, because not under consideration; but he thought there was nothing so glaringly improper in it, as to prevent discussion.

He said he had only heard one thing which was an objection to the motion being committed, which was from the gentleman from New York. He said the measure was disgraceful, and such as would not be adopted by one hostile nation towards another. That gentleman, Mr. G. said, should recollect one thing: supposing that it would be disgraceful to seize the property of individuals in the public funds, on account of any misconduct of that nation, yet there was nothing disgraceful in the measure now proposed. That gentleman had said that no nation at war would seize the property of their enemy. Did he not know that England had seized all French property which they could lay their hands upon? Here was a State, he said, which owed them a sum of money, and the measure proposed was, to take their property in the funds to pay it. He thought there was no difficulty in the case, if they supposed the transaction to happen between individuals. If a person had laid money in his hands, and at the same time owed him money, he should at least discuss the matter in his mind, whether he would let him have the money before he paid him what he owed. All that was asked, he said, was that the matter should be discussed; if it was found improper, it would, of course, be rejected.

Mr. CORR thought there was some difference betwixt the resolution before them being referred to a Committee of the Whole and the committee upon the subject of the balances.

Mr. S. SMITH said, before the question was put, he wished to say a few words on the subject. Gentlemen might say they would lay hands on the property of the State of New York. The gentlemen from thence had said, that State would not pay the debt. But Maryland, he said, would pay; and she depended on the interest of her stock in the funds of the United States to pay her civil list. If they chose to seize the funds of New York, why should they seize those of Maryland? Maryland, he said, was every year purchasing fresh stock. At this time, he believed, Maryland had money to lay out in these stocks. A resolution of this kind, he said, would make it possible for

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the United States to seize the property of individual States without right. He thought payment should first be asked. Until this was done, they should not take a step of this kind, which would have a tendency to destroy the public faith. He hoped, therefore, that the resolution would not be committed, as he would not have it supposed possible that the United States would, at any time, seize property which had been lodged for security in their funds.

Mr. NICHOLAS said, if it was possible his motion would produce the effect the gentleman last up supposed, he would withdraw it; he thought it might be so modified as that such an effect could not even be supposed. He thought its tendency would not extend further than he meant in making the motion, viz: to prevent a transfer of their money in the United States stocks for a certain time; it would be putting into the power of the nation an eventual security.

He said, he had not been shaken by the railery of the gentleman from New York, nor had he heard any objection which had any weight on him. He should not, as had been insinuated by that gentleman, pretend to use any new logic or fine words. He thought the motion would act as a preventive to keep the passions of the people from being raised, when they find this House exercises their power; now, he said, was the very time they had the power, it were foolish for men to use force when it can have no effect. If the motion had all the force which the gentleman from Maryland conceived, he would be willing to withdraw his motion; however, when the House went in Committee on it, he should hear the ideas of gentlemen more fully. He intended it merely as a security, which, he thought, from the declarations of gentlemen of that State, to be necessary.

The question was put, on Mr. NICHOLAS'S amendment, and negatived—ayes 35, noes 42.

The House then went into a Committee of the Whole on the original report.

Mr. READ hoped the resolution would be agreed to. He said he had attended to all the objections which had been made to the measure, and they did not appear to him to have any real weight. They were principally these: It was said by some the debt was not justly due; that the rule of apportionment was not what it ought to have been; and that it was not in the power of the United States to enforce payment of the debts. The resolution was also objected to on the ground of policy.

With respect to the justice of the settlement, he did not believe that the debtor States would pretend that the debts were not justly due, and, therefore, the arguments on this head were of no weight, as they ought not to anticipate such a conduct. With respect to the power to coerce, it was frivolous in the extreme to talk of this. It was supposing the debtor States to object to the demand, whereas they presumed no such thing. He believed the debtor States would pay. With respect to the policy of the measure, it was his opinion that there was no better policy in either States or individuals than to pay their debts. If

our Government, he said, was founded upon erroneous principles, vicious measures might be necessary; but so long as it was founded on equal rights and privileges, there could be no sounder policy than to make justice and equity our guide.

It had been supposed that the State of New York would not pay her debts; that she would prove herself less friendly to the Union, less Federal, than others. He did not believe this; he believed that State perfectly Federal. Would not the same arguments fall upon the creditor States? Were they to omit calling upon the debtor States, would not the creditor States be disappointed by these debts not being paid? Would it not have a tendency to make them less friendly, less Federal, were they to be called upon for money which the debtor States ought to have paid?

Mr. R. said, it was clear, upon the principles of policy and justice, the application ought to be made at this time. The longer persons neglected to pay any just debt, the more unwilling they were to pay; and the difficulty of recovering it increased in proportion to the delay.

In respect to the State of Massachusetts, which he had the honor to represent, it was one of the creditor States. It was at present burdened with very large debts, contracted in support of the war. Many persons expected, and perhaps the State in general, that their account would be allowed. The amount was \$1,200,000. They supposed this sum would be paid by the debtor States, and if it were not paid, it would make a direct tax very unpopular with them.

There had been an objection urged by the gentleman from New York [Mr. WILLIAMS] which he thought had not been noticed. He said there had been large emigrations from other States into that State since the settlement of the accounts, which had so increased their population as to greatly increase their debt, that being estimated on the scale of population. If it was true that such an emigration had taken place, and he expected it was, it enriched the State of New York, and enabled her to pay the debt. The people knew when they went into that State that they would have to bear a part of the debt. They had left creditor States, and by these emigrations of young and enterprising men, those States were impaired, the aged and infirm being left behind.

Mr. R. concluded by saying, that it was proper requisition should be made for the payment; and he doubted not it would be complied with.

Mr. FREEMAN thought the resolution a proper one. It was agreed, he said, on all hands, that revenue was much wanted, to meet the present exigencies of the country; the people in the creditor States were extremely dissatisfied at the delay of payment in the debtor States. He should be unwilling to vote for taxes to supply national wants, while this settlement was left unpaid; upon this ground he should vote for the resolution, and he hoped it would now pass. The gentleman from New York had objected to it, on the ground of the inhabitants being changed in that State since the time the debt was incurred. Mr. F.

said, if people thought worth while to emigrate from other States to that, and reside there, the accumulation of their profits and wealth would render them regardless of the pretended burden which the State debts would put on them; and, on the ground of apportionment, he thought no rule could be more equal and just than that which was made at the time of the settlement.

Mr. WILLIAMS rose and recapitulated his observations before made on the subject of apportionment, insisting that the great emigration to that State, which he stated at two-thirds of the present number since the year 1789, would render it very unjust in them to lay a tax to pay this debt, whereas it should now have been a creditor State, if that emigration had not taken place. He asked whether it would be honest or just to call on persons who came from creditor States, where they would have received advantage, now to be taxed to pay the debts incurred before they left their own State? If this mode was to be adopted, he contended it would be but poor encouragement for emigration, and it would be impossible for such a State to discriminate.

Mr. GILBERT wished, before the question was put, to observe on what fell from some gentlemen on the want of revenue. He well knew the United States did want revenue; but he would ask gentlemen, whether that is a reason why New York should pay an unjust debt? He said it was proper, before the debt was paid, that the State should be satisfied the claim was just. He was sensible and sorry that nothing which could now be urged would have a tendency to prevent the resolution passing; but he thought gentlemen should consider the subject well before they voted for it. These debts, he said, were incurred by the United States, and not by the individual States, and, under the Old Confederation, it was supposed that ample provision would be made for the discharge of them; he knew of no right there was to saddle these debts on any individual State. Mr. G. again enlarged upon the mode of settlement, and the declaration of the Commissioner [said to be General Irwin, late a member of Congress from Pennsylvania,] that the balances would never be called for. He did not think one man in the House could conscientiously say the demand was just. He then adverted to the services of New York during the war; he said, he did not like to draw comparisons, but he must declare, while no State did more than New York, after all it was brought in arrears. His constituents thought it an unjust demand, and could it be supposed they would like to pay it? New York, he said, in imposts and tonnage, furnishes four-fifteenths of that branch of the revenue collected by the United States. As to the policy of the measure, he should leave gentlemen to judge of it. There was no basis on which the demand could be constitutionally founded.

Mr. SITGRAVES said, from the nature of the objections which had been made, he should have been as well satisfied if the present subject had not at all been stirred; but having been moved, it ought not to be abandoned. And this flowed

from the nature of the objections offered; because, if they had a right, they had the moral or physical power of enforcing that right. There could be no doubt, if the money was due, it ought to be paid, and every consideration of expediency pointed out this as the proper time. He knew he had heard the gentlemen from New York, over and over, and over again, deny that the debt was due; but, supposing this to be the case, why not make the application? If, when that application was made, any State did not choose to pay the money, they would, of course, state their objections. But he was well satisfied they ought not to stop at making the demand. They had been told, though not in direct terms, in such as were well understood, that we might demand, if we pleased, but, under the present impressions of New York, they would not pay the debt said to be due from them. They had been told by other gentlemen that they had not the means to coerce the payment. If this were the case, it was proper they should lay hands upon the only thing in their power, which was their share of the Public Debt of the Union.

By this, Mr. S. said, it would be seen, that he meant to revive the question of the gentleman from Virginia, [Mr. NICHOLAS.] He was very indifferent about the fate of the former motion, because he knew there was no rule of order that could prevent an amendment being introduced in the Committee of the Whole for discussion. He said, if they could get at this money without violating any principle of right, they ought to lay hands on at least a debt of \$1,200,000, for which they were receiving interest; more especially as this was a part of the balance found against them in the settlement of the accounts.

Mr. S. said, he could draw no analogy between the present business and the British Treaty, and wondered any gentleman should think of introducing that subject. It might be perfectly true, he said, that it would be improper for one nation to lay hands on the property of another; but, was there any law to prevent him from laying hold of his antagonist? And if, said he, the property of the State of New York is in my hand, and she owed me money, where was the propriety of paying with my right hand, when there was an uncertainty of receiving with the other? He thought there could be no objection on this ground; but there was an objection on account of the negotiability of Government paper. He owned he had scruples on that subject. The gentleman from Virginia, having doubtless considered the subject, could perhaps remove them. In order, therefore, to bring the motion before the Committee, he moved to add the following amendment:

“Resolved, That any transfer of the debt of the United States in the books of the Treasury, held by any of the debtor States, by the settlement of accounts between the several States and the United States, or by any person holding evidences of the said debt, shall be withheld, until the balances of the said States shall be discharged.”

Mr. NICHOLAS said, he did not understand what scruples the gentleman from Pennsylvania could have about the transferable property of these debts.

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He was satisfied with respect to New York, and it was impossible any other corporate body or person could be affected by the motion. The transfer, he said, was a sale of the property, therefore, a denial of transfer would completely prevent any person from being involved in this measure, besides the State in question.

Mr. GILBERT asked the gentleman last up, if there was no difficulty of a Constitutional kind in the way of this measure? If he understood the Constitution, they could not pass an *ex post facto* law. Had they not already said this paper should be transferable? If so, had they a right to say it should not be transferable? Was this the regard which the Legislature intended to show to its own faith? He trusted it was not.

Mr. POTTER objected to the present motion. He said the State of New York was a debtor, or not. She would either show herself not to be a debtor, or pay. But to pass this resolution, would be to consider them as swindlers. If it was a debt, he was confident they would pay it.

Mr. P. said, he could not account for the manner in which the gentlemen from New York had managed this subject. In one place, they say they have no authority to act, and yet, in the next moment, they proceed to oppose the resolution to call upon their State for the debt, as if they supposed that, unless they opposed the matter, their State would be so simple and honest as to pay, without objection. But, for his part, until he knew whether the State would pay this debt, or not, he should believe they would pay it honorably.

Mr. WILLIAMS rose to vindicate the conduct of the New York members in speaking on the subject—he also wished to know why the resolution should be levelled at New York only; he considered it as very unfair dealing. He said, they only contended, if the settlement was fair, the demand would be complied with; until they were convinced of that, it could not be expected. He would ask, respecting the motion under consideration—was it fair for them to lay their hands on all they could, because it was in their power? The gentleman who brought forward this second resolution, perhaps, knew that the State he represented had no money in the United States' fund, else he would not have moved it. He asked again, why they should aim at New York alone, when Delaware and other States were in a like situation?

Mr. GALLATIN wished the mover to modify the resolution, so that it should not affect any State to a greater amount than the debt they owed. For instance, the balance against Pennsylvania was about eighty thousand dollars, but she had upwards of four hundred thousand in the funds, and he should wish that the provision should not reach to a higher sum than the eighty thousand. He said, he had, however, no sort of view to Pennsylvania, because he believed she would make no objection to fulfil her engagements.

An amendment to this effect was introduced, when the question was put and negatived—45 to 30.

The original resolution being under consideration—

Mr. HENDERSON said, he should not have risen, but for an observation of the gentleman from New York, [Mr. GILBERT.] That gentleman had said, "that he did not believe there was a member of that Committee who really believed the balance found against the State of New York to be just." Mr. H. said, if he were of this opinion, he should vote against the resolution; but, believing, as he did, that the balances were just, being settled by men of abilities and integrity, who had no interest to do other than right, and as no objection had ever been made by any of the States against the balances, he should think himself unfaithful to his constituents, if he did not vote for it. He begged, therefore, the gentleman would except him from the number who did not believe the debt just.

Mr. GILBERT allowed the gentleman might be an exception; he again adverted to the services and sufferings of New York during the war, observing, with respect to the settlement, that, while other States brought everything, and circumstance, and more than all in their account, New York brought nothing but what was fair and upright; and that they cast nearly a million of dollars more, for the support of the whole, than all the delinquent States put together.

Mr. THATCHER would tell the gentleman that he believed from his heart, that the debt was just.

Mr. POTTER said, one gentleman from New York talked of the great exertions of that State in the war, another came forward and said, he did not believe there was a member in the House who believed in his heart the debt was just. Every State in the Union, he said, might come forward and boast of what they had done; but it would serve little purpose; for his part, he believed New York had done the least, and been benefited more than any two States. He wished, also, to be excepted from the gentleman's account. He thought the debt just.

Mr. BURGESS.—Mr. Chairman, the State of North Carolina is among those called debtor States—her Representatives feel some of the observations which have been made, forcibly—that North Carolina is unwilling to pay just demands they cannot concede; that she is not willing to pay this demand, they do believe; and yet, I am not prepared to assert this an unjust one. The amendment lately negatived might have given means to have quieted, or have justified her—gentlemen, however, thought it a dangerous one—perhaps it was. That amendment might have precluded them from the means of satisfying her how the exertions, expenses, or sufferings of sister States, so far exceeded hers, as to leave her, justly, so great a debtor; and believing as she does, that she did all she could—are her Representatives to blame for opposing the present resolution on your table? I beg gentlemen to consider the extent of this demand, and the small resources of revenue North Carolina possesses, and ever has possessed—I believe, sir, I am correct in saying, it nearly equals the one-half of the aggregate amount

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of her nett revenues from her charter from Charles the Second, until the commencement of the war. This, sir, is no trifling aggravation. Will gentlemen stop, then, one moment? will they reflect? Will the dignity of the United States be promoted by receding from a demand, earnestly, solemnly made? How? where? where is it to be made? If just, sir, I would ask, is it prudent? But will the State of North Carolina, with the information it possesses, think it just? Permit me, sir, gentlemen have spoken of what other States have done, and of what they have not done; with leave, I will state a little of what North Carolina has done and suffered—of what she has not done—of what she cannot do—and of what, I fear, she will both do and suffer. But just let me say what she was, is, and may be. I have not been in the habit of troubling the House with long harangues, nor do I now intend to do it. As my voice is weak, and I am no orator, I must beg a patient indulgence.

Sir, North Carolina was, before the war, a wide extended territory of eighty or ninety thousand square miles, with less than two hundred thousand inhabitants, consisting of farmers, planters, laborers, and hunters—in spacious settlements—without great cities—with little money, and not much capital—with numerous flocks and herds—no rich men, and but few paupers. Perhaps, in no known country of the world was property more equally divided, the inhabitants less dependent on or united with each other, with a revenue short of fifty thousand dollars, and with little public debt.

North Carolina, sir, now has less than half her former extent of territory; and, according to the last census, nearly double the number of inhabitants. Ruined cities, desolated villages, deserted farms, a few rich and many poor, little increase of revenue, and a public debt glaring her in the face—increased to the amount of twenty years of her revenue. She has no claim to the character of a commercial country: she possesses small resources, and she has nearly lost, by at least, the ill-timed, however well-intended interposition of sister States, all value in a species of property, once of considerable estimation; a species of property which the Almighty, in wrath to our forefathers, suffered to be entailed on us, and which it is hardly possible she can be happy with, and most certain, for a time at least, with her present habits, be so without.

North Carolina has some resources which time may mature, to an independent, happy mediocrity. If she cannot figure with her commercial sister States, and aid you with extensive revenues of her own collection, she will be a great consumer—her sons love good cheer and fine clothes—they are numerous, and return your merchants their imposts with handsome profits. Witness the Newbern principalities, so conspicuous in all the great commercial States. She may not, if you check her, give you numerous, independent, and faithful citizens, and armies of hardy soldiers.

Of what North Carolina has done in the common cause, she will not boast, to lessen the com-

parative merit of sister States. She did all she could—so did others—mighty was the struggle—rich the prize—contested and glorious the result. But, sir, North Carolina was the first theatre of war—the blockade of Boston excepted. Unfortunately her citizens were of divided politics; this the English Government knew, and made there the first efforts—thousands joined them—internal war raged with violence: to which your Journals bear ample testimony, by the well-earned laurels so liberally then bestowed to the success of the advocates of liberty. But, alas! the fire was kindled—for seventeen years and upwards, her villages, fields, and forests, were never free from the inroads of the enemy, aided by her misguided sons. From the Virginia line to the Southern boundary—from the shores of the Atlantic to the Indian settlements, was this devoted country exposed to domestic, foreign, and savage cruelty; a scene of desolation, fire, and sword; while, far removed from the seat of preparation and power, she was constrained to exceed her own resources. Twenty millions of dollars were emitted; several millions of which exchanged for service and supplies, and sunk in possession of the holders, to the ruin of her citizens; nor is she able to indemnify them. This falling discount was incurable; and with this, the over-rigid economy of her agents rendered doubly oppressive. I appeal to her records for the truth of this, and ask, was this the case in all the States? No, sir. From these two sources is her present disastrous state and mighty debt. The detail is better conceived than expressed—to justify ourselves, rather than accuse others, is my object.

Again, sir, North Carolina independently gained and gave up as common stock, for liquidation of public expense, more than half her territory. Although some of her ablest statesmen wept at the surrender, she was deaf to their remonstrances. I ask gentlemen if she would have done thus, had she expected the present demand? Besides, sir, North Carolina, conscious that her convulsed state, and other circumstances above adduced, would prevent an arrangement of accounts that would secure her equal justice, was opposed to the assumption by which this debt is created. I do not make this matter of merit, but state it as a natural cause that may increase her discontent.

Again, sir, North Carolina, far removed from the seat of public information, and with little advantages of frequent-commercial intercourse, had not the opportunity of equal benefit from the pittance of the rigid economy which her agents had left her citizens. With honest indignation, she now reflects that her public securities are swept away by foreigners and citizens who, with more prompt information, perverted her every village and almost every farm, as the enemy, in time of war, and with little less fatality, and almost without money and without price.

Again, sir, I would observe, of what North Carolina cannot do. I beg her pardon, if I under-rate her; but I do believe she cannot pay the demand, with the accruing interest, and provide for her own Government; the more especially so, if

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the apportionment of direct taxes contemplated should obtain, without unreasonably and unequally burdening that part of your citizens.

North Carolina, I fear, sir. I greatly fear, contemplating what she was, what she now is, what she may be, if only equally burdened, relative circumstances considered, and what she has done and suffered—what she has not done, and what she cannot do—will really complain, and be convulsed to the very centre.

North Carolina, sir, claims, her Representatives conceive she may, with modest decency demand, that the claims contained in the resolution on your table, if not relinquished, should be suspended. I appeal, sir, with confidence—I appeal to the candor, the feeling of every gentleman on this floor, can it be doubted but that her exertions, her sufferings during the war, and her apparent willingness since, to contribute to the common fund, by her so liberal and extensive cession, entitle her to at least the last, if not the first, of these requests?

Mr. S. SMITH said, he was one of those who could have wished the present subject had not been brought before the House; but, being before it, he was ready to give his vote for the measure, as it was incumbent upon them to endeavor to get the balances paid. The gentlemen from New York and North Carolina, had complained of the injustice of the debt. The State which he represented, he said, was a debtor State, and they were willing and able to pay. The gentlemen from New York, it appeared, were anxious to have the whole subject opened again. One of those gentlemen gave as a reason for this, that stores in the account were charged more in one State than in another. He saw no injury in this, as flour might be purchased in Virginia at seven dollars a barrel, when, in Pennsylvania, it might be eleven. This single objection showed what cavilling would be the consequence of an opening anew the accounts.

Mr. S. said, it appeared to him that the State of North Carolina had less reason to complain than any other State in the Union. He did not mean to say that they exerted themselves less; and, he believed, the exertions of New York were not exceeded, according to her means, by any other State.

An observation, he said, had been made, on the subject of assumptions, by a gentleman from North Carolina. He meant not to have ripped up this subject afresh; but, since it had been mentioned, he would say that their debt had been occasioned by too high an assumption; if that had not been the case, they would have had to receive a very considerable sum. New York, he said, assumed her debt at two millions, of which she received one million two hundred thousand. Let her, said he, disgorge that sum. How, he asked, did New York get possession of her treasure? By the blood and treasure of the whole, in her vacant territory. This was the way in which she became rich; and it was extraordinary that a State which had gained so much by the Revolution, should be averse from disgorging her just debt. How they were to get at this debt he knew not, but they must pay. It was doubted it would not be paid; but he trusted

that a State, famed for her order and good government, would not refuse to pay a debt so justly due. It was a large State, and, he thought, able to pay, and it was but just.

When the mode of settlement was agreed to, Mr. S. said, none knew who would be debtors and who creditors. All acquiesced in it. Why, then, talk about going anew into the subject, which might take them a year to settle the principles upon which it should be opened.

He trusted these balances would be paid, as the Representatives of creditor States would be very unwilling to lay a direct tax upon their constituents until they were discharged.

Mr. GILBERT rose to explain to gentlemen who thought the New York members had said, that their State would not pay—they said it would not be willing to pay, unless it knew for what, and that accounts were fairly settled. The assumption, he said, was made out then by the corresponding census; why, then, should they disgorge what the United States assumed to them more than any other State?

Mr. BLOUNT observed, that he had said so much on a former occasion upon this subject, and knowing that whatever he might say would have no effect upon the decision, he meant to have satisfied himself with showing by the yeas and nays, that he had not been consenting to the measure. But when he heard the gentleman from Maryland [Mr. SMITH] say, "North Carolina had less reason than any other State to complain," it would have been criminal in him to have been silent. He had made the assertion without a single fact—it could not be true. He believed the United States would not believe it. Were not Georgia and South Carolina, Mr. B. asked, defended by North Carolina? Could it have been believed that Georgia was a creditor State, when charged on the ratio of two Representatives, when entitled to less than one? Some part of the war, he said, Georgia had not more than five hundred inhabitants. Had not South Carolina militia from North Carolina in almost every month of the war? Such an assertion was one, that, on reflection, the gentleman would be ashamed of having made; he should call for the yeas and nays on the question.

Mr. S. SMITH defended his assertion, which he grounded on her debt having been very considerably over-assumed.

Mr. BLOUNT said, if they had no other grounds of complaint, they should have complained of this. If North Carolina had had no debt assumed, he said, she would have been a creditor for more than two millions. She would have sunk the debt, instead of having a debt of more than four hundred and thirty thousand at home, and under a charge of owing to the United States more than five hundred thousand dollars.

Mr. LIVINGSTON said that it was extraordinary, that gentlemen should be continually insisting, upon the impropriety of going into an inquiry, whether the claims in question were just or unjust, yet they themselves went into comparisons betwixt the services of different States. He would not make any comparison on the subject; but he

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would do what he thought necessary, viz: testify to the world his objections to the present proceedings. He had already taken up so much time of the Committee, which, however, had been mostly employed in fruitless attempts to get the subject postponed, that he should be unwilling then to trespass long upon their patience.

This business, he said, originated under the Old Confederation. The States agreed upon an order for the settlement of their debts, but in the new Constitution, they entered into no new Governmental compact for the settlement of these debts, so that it was found to be necessary to take up the subject. They, therefore, found two laws passed. Here, he said, was the great evil which New York had to complain of. Here, every State who wished to set aside the settlement should point. The United States, who was a party concerned, passed a law appointing Commissioners and prescribing rules to govern the two parties, without any delegation from the States. All the States, he said, would always have an interest in throwing a burden upon one State; and the injustice complained of would appear, if it was shown that this was done. It was not only their interest, he said, to do this, but rules had actually been prescribed which were unjust to some of the States. This law, he said, was passed. New York had no Representatives in the matter who had power to bind her to this new settlement. The amount of that State was kept clear and regular, with vouchers to every charge; but in this law, it was allowed to the Commissioners to receive accounts unsupported by vouchers, if they should see proper. He asked if this were just to those who had been scrupulously correct? If it were just, he thanked God he had never learnt or practised upon such principles of justice. Another rule established was, how the debt should be divided amongst the different States. The States had prescribed rules, under the Old Confederation, but these were changed by this law. It was now settled that the rule of apportionment should be made upon a scale of population. How this affected New York had been shown by one of his colleagues, [Mr. WILLIAMS.] From forty or fifty thousand inhabitants, which was about their number at the conclusion of the war, from emigration, they had then one hundred and thirty, or one hundred and forty thousand. He asked, therefore, whether this rule was just? If it was not, how could gentlemen be charged with advocating unfounded positions, and even have a week's delay refused to gain information on the subject. It was his opinion these arguments had weight; but, perhaps, his opinion might not have much weight with the Committee.

But, setting aside the principle of apportioning the debt, taking it for granted that New York consented to the whole, still, he said, there were principles even in common law, under an award, which this business had been likened to, that would enable them to attain relief under their complaints. It was impossible; time had not been allowed them to do it, to bring forward vouchers; otherwise they should have proved that such over-

charges had been made by other States as would have convinced that House of the propriety of setting aside this settlement; but, not having these vouchers, he would say no more on this head.

The rules of settlement being changed without their consent, being, in their opinion, unjust, if it was in vain that he appealed to the justice and equity of the House, he would appeal to the expediency of the present measure. The debt, he said, might be just. He would not be understood as saying that the State of New York considered the debt as unjust, but he thought she did. Thinking it unjust, the probability was she would refuse to pay it, and produce her vouchers to the world, to show that she ought not to pay it. In what situation would the United States then be?

The State of New York was not to be looked upon as an individual—it was a sovereign, independent State of the Union; persuaded of the injustice of the present claim, she would refuse to pay it. Already, said he, you would have taken one step; you have said you would be paid. They had been told, he said, by the gentleman from South Carolina [Mr. W. SMITH] of the advantages which would arise to the Union by the payment of this debt by the State of New York. He told them of the Navy, the Forts, &c., it would build. Indeed, he put him in mind of the exploits of Don Quixotte; for, though he had not built himself wind-mills, he had erected himself many beautiful castles in the air, which, he fancied, would have their proper effect upon the House.

He hoped the reasons he adduced, if they had not the effect to reject the proposition, would at least show that the State of New York had ground to be dissatisfied with the proceeding.

Mr. BALDWIN said, if the observations of the gentleman last up were well founded, there would be something to justify the House to cancel the debts; but he thought it could be plainly proved they were not. If the gentleman would give himself the trouble to look at the old ordinance, he would find the whole of the settlement accompanied by vouchers of incontestable authority; the Commissioners admitted of nothing but real parole evidence; they heard the story, examined the evidence, and then reported what was their best judgment of the true settlement. Mr. B. also answered to the observation of the member on the obscurity of the settlement. He observed that it would be inconsistent, improper, and almost impossible, to go back again into the settlement. He said that the settlement was authorized by three several unanimous acts of the Government, which he thought sufficiently good auspices to warrant a procedure; and as good as could be expected, were the settlement to begin again. Mr. B. said, such a scene as was exhibited at the commencement of the sitting of the Commissioners perhaps never before occurred; it appeared as though all the individual States were in severe conflict with the United States to obtain their settlements; it was done with closed doors. Such a scene he hoped never again to witness.

As for the State he lived in, they had been pay-

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ing and paying, and yet found themselves unable to settle their accounts. She would not have been a creditor State in this balance had not her debt been assumed at three hundred thousand dollars instead of seven hundred thousand dollars. There was a bill brought in to assume her at the other four hundred thousand, but it fell through, either in this House or the Senate, by which she became a creditor to a small amount.

Mr. POTTER said, the gentleman from New York ought not to complain that the demand was unconstitutional, when, if there was any grievance, it ought to have been made at the time when the census was taken. They appointed agents to go before the Commissioners; they then agreed to the measure, and if it had turned to their advantage, most likely they would not have now objected. If they had any vouchers, then would have been the time to have produced them, and not have stopped three years before a complaint was to be heard. New York, he said, was fond of funding and assumption systems, but not of re-funding. Their objections to the settlement were improper at present. He wished the question to be taken.

The question was then put and carried—ayes 53.

The Committee then rose, and on motion being made for the House to take up the business,

Mr. CHRISTIE hoped the House would adjourn. He had no doubt the gentleman from New York meant to give them a few more long speeches on the occasion, and he did not wish to stay then to hear them.

On the motion for adjournment, there were—ayes 39, noes 38.

So the House adjourned.

THURSDAY, January 5.

Mr. DENT requested to be excused from serving on the Committee of Commerce and Manufactures, which was granted, and Mr. S. SMITH appointed in his place.

BALANCES DUE BY STATES.

The House then, according to the order of the day, took up the report of the Committee of the Whole, to whom was referred the report of the Committee of Ways and Means on the State debts.

The first resolution was read as follows:

“Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to give information to the several States who were, by the Commissioners appointed to settle accounts between the United States and the individual States, found indebted to the United States of the several sums in which they were so found indebted, accompanying such information with a statement of interest from the last day of December, 1789, to the first day of January, 1797, calculated on the same principles on which interest has been allowed and either funded or paid on the correspondent sums for which the United States were found, by the said Commissioners, indebted to certain States; and with an earnest request that they will cause provision to be made, as speedily as may be, for

paying the said sums, respectively, for which they were found indebted by the said Commissioners, with interest, into the Treasury of the United States.”

Mr. GALLATIN moved to amend the resolution by adding the words, “either funded or,” printed in italic; which was agreed to.

Mr. BLOUNT called for the yeas and nays on the decision.

Mr. HOLLAND said, before the question was taken, he would beg the indulgence of the House for a few minutes, whilst he showed his objections to the resolutions before them. In doing this, he said, he felt himself under considerable embarrassment, from a knowledge that the House was pretty much tired of the debate.

He said, they had no other evidence of the debts in question but the report of the Commissioners. If he was convinced the debts were just, he should be the last person to object to them; but when he considered the circumstances attending the report, and the way in which it was brought about, he very much doubted the justice of it. It might be remarked, that the Commissioners were from States which would be gainers by the settlement, all of them being creditors.

[The SPEAKER reminded the gentleman that the report was not to be considered as the report of the select committee, but as resolutions agreed to by the Committee of the Whole.]

Mr. H. said, he was speaking of the report of the Commissioners. Constant attempts, he said, had been made to keep the principles upon which the Commissioners acted out of sight. This seemed to wrap the matter still more in mystery. For what purpose, he asked, were these kept out of sight? If they were proper, they could not suffer by being brought into view. But this, it seemed, could not be done. Even one of the Commissioners, he said, was the person who brought forward a resolution to strike out the balances due from the several States. What could this arise from but from a conviction that the settlement operated unequally?

The circumstances carried something in them very suspicious; but when he heard gentlemen say that the creditor States were permitted to reckon State paper depreciated three and four for one, whilst other States were not so admitted, he was still more inclined to doubt the truth and justice of the settlement.

The peculiar situation of North Carolina was such, he said, as must make their debt, at first view, appear unjust. At that time the State had an existing Board of Army Accounts; but, in consequence of the suspicion of some fraud, its proceedings were arrested, and before a second Board was formed this settlement was made. In consequence of which, North Carolina was prevented from bringing forward accounts which she otherwise would have brought forward. This was enough to show the hardship of the settlement on that State, and to justify his vote against the present question.

It had been said that it was too late to bring forward these objections at this time, and that they should have been brought forward earlier to have

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had any weight. Had they not been brought forward before, this objection might have some weight. But, he asked, if there had not been objections made to the assumption and funding systems, against the admission of the Commissioners' report on the books of the Treasury? And whether an attempt was not made to have struck out the balances said to be due from the debtor States?

The business had always been taken up in a Legislative capacity, and gentlemen made a point of supporting what they conceived to be the interest of their several States. Not a single member from the creditor States had supported the injustice of the settlement. It might be in consequence of this disposition that the minority had always been borne down, and, he feared, would then be borne down. Pecuniary considerations seemed to have a strong influence on gentlemen in that House. Every thing last session, he said, gave way to pecuniary considerations. Nothing was heard at that time but the promotion of commerce. In consequence, they had entered into the British Treaty. They were still actuated by the same desire of pecuniary interest. They were now determined to raise money; and, because it could not be raised from any other source, it must be levied upon sister States. It put him in mind, he said, of a bark wrecked at sea, when all its stores were lost, and some desperate measures were to be taken to save themselves; but, though the United States might be in considerable pecuniary distress, he trusted they should not adopt the measure now proposed.

Mr. PAGE.—The question before you, sir, appeared to me, when first offered to this House, to be of so delicate a nature that I wished to get rid of it; and therefore I voted to put off the further consideration of it until the next session of Congress. I foresaw the loss of time it would occasion now, and dreaded the altercation and warmth it was calculated to produce at a time when all possible occasion for altercation and warmth should be avoided. I confess I thought, too, that a postponement of the question till next session would be conciliatory to the debtor States; prevent unnecessary and ill-timed warmth in them, and be a sufficient notification of the claims of the creditor States. I confess also, sir, that I thought the debtor States would then come forward and pay their balances; or, with temper and respect, state their difficulties as to their ability to pay; or their objections to the settlement of their respective accounts. And I am free to declare that I think it would well become the wisdom and justice of Congress to receive and consider such statements, and to relinquish all claim to a balance due from a sister State, when inability to pay is its apology for non-compliance with the requisition of the law, (which I look upon as in fact made upon the passing of the act.) and to revise the settlement of the Commissioners by a committee of a member from every State in the Union, rather than to require of some what is impracticable, and of other States what they firmly believe it is unjust to demand. The settlement of accounts between

the States by the Commissioners has been compared to an arbitration between individuals; but, granting the comparison holds good in every respect, which I doubt, an honest creditor would surely not object to a re-hearing, or to a new reference, if his debtor declared that he could produce new vouchers for credits which had not been produced at the first arbitration, and could prove that there were errors in both the debits and credits to the prejudice of the debtor. But even if an honest creditor could refuse a new hearing, or a second reference to arbitrators, it does not follow that the Representatives of sovereign States, confederated for their mutual strength and support, and which, by the co-operation of all of them, have been rescued from oppression, and have been enabled to establish their independence, and an happy form of Government, under which those Representatives are voting, and whose chief duty it is to promote the general welfare—I say, it does not follow that the Representatives of such States, so circumstanced, should act like individual merchants, and be bound by the same rules of rigid justice (if it may be so called) as a merchant, whose credit may be destroyed, or his capital in trade injured, were he to abandon the advantage gained by an arbitration in his favor. God forbid, sir! that this House should ever treat a sister State as one merchant is frequently induced to treat another. I would rather this moment agree to give the debtor States credit, on the books of the Treasury, as was proposed by the honest and candid member who had been one of the Commissioners, to whom the member from New York [Mr. GILBERT] alluded yesterday, than to have agreed to sequester the property of those States in our funds, as has been proposed.

I look upon the business before us, sir, as part of that unfinished, impracticable business of the Old Confederation; and although I believe a requisition for quotas of any sum which may be required of the States for the support of our Government and for payment of the principal and interest of the National Debt, would be duly respected by the States, yet I fear the one now proposed would be as ineffectual as under the Confederation. I wish therefore to avoid the risk of national authority—the whole balances are not worth the risk of loss of authority over the States; or of exciting discontent in a single State. Members who make light of the ill-will of sister States, were not present when the endearing arguments were used in favor of the assumption of the State debts—pure paternal affection and Federal principles led to the vote for paying the debts of the sister States, contracted (as it was said) “in their joint and glorious struggle for their liberties.” I fear, sir, if the same argument will not induce this House to consent to make the expenses of all the States in that struggle, a joint expense, it will be said that either Federalism and fraternal affection have declined amongst us, and avarice has taken their place; or, that the assumption of the State debts was intended more to increase the National Debt and the funded stock than to diminish the State debts; and to gain an influence

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over the States, than to show them the fraternal regard of Congress. I agree with the member from Maryland [Mr. S. SMITH] that had the accounts between the States been first settled, the assumption of the balances due would have appeared more intelligible; but to States which know that their vouchers for large contributions and payments were destroyed by the enemy, for which they could receive no credits, and that the lands they gave to the United States were more than sufficient to pay all their debts and those of the debtor States together—I say, to States who know this, and are in this situation, it is not enough to make the statement intelligible to them. As the case stands, it is not very intelligible; but I can see how it may be made a part of the funding system and assumption, and so become intelligible: that is, by emitting stock to the amount of the balances due, and paying it to the creditor States; making its interest and time of redemption such as Congress may think proper; and this I had rather do than have a contest between the debtor and creditor States, as much as I dislike the assumption and funding system. Thinking thus, I shall vote against agreeing to the report of the Committee of the Whole.

Mr. KITCHELL said, he should not have troubled the House with a single observation, had gentlemen not given an idea of their wish to strike out this balance, whether just or unjust. Some States had done more, and some less, during the war, but he thought it extremely unjust for the creditor States to suffer on account of the delinquency of others: he thought the idea of striking off, could be only supported by members from the debtor States. Taking it in any form, he contended, it would be very unjust to tax the creditor States while these debts remained unpaid. He thought no fair, just, and honorable person could conceive it proper.

Mr. GALLATIN said, he would make a single observation, which was rather of a personal nature. It had been said, that one of the Commissioners, who was a member of that House, had been in favor of striking out the balances due from the debtor States. He believed the gentleman alluded to was a member from Pennsylvania. Mr. G. said he was not a member of the House at that time, but he had looked into the proceedings of that period, and he found he did not vote on any question on the bill itself. There was one question, however, on which he did vote. It was for an inquiry into the principles upon which the accounts had been settled, and he voted in favor of it. He hoped, therefore, they should hear no more objections of this kind.

Mr. GILBERT rose to answer to the observations of the two gentlemen last up, and still supported his assertion, that one of the Commissioners had moved to strike out the balances; he did not know whether his name appeared on the Journal of the House or not. In answer to the gentleman of Jersey, he would only say, that there not being an application for appeal against this measure before now, did not prove the justness of the debt: they were never asked for it till now.

Mr. KITCHELL again rose and said, he thought the silence of the States heretofore seemed a good proof of the justice of the settlement. However, he thought as the Legislatures had not made application, no attention ought to be paid to individuals.

Mr. WILLIAMS said, if gentlemen would recur to the Journals of the House, they would find that the Representatives of the debtor States had uniformly opposed this mode of settlement; but as it had never gone to the State Legislature, he thought that a good reason why they had never complained; they never had been applied to.

The question on the first resolution was then taken, and determined in the affirmative—yeas 57, nays 27, as follows:

YEAS.—Abraham Baldwin, Theophilus Bradbury, Samuel J. Cabell, Gabriel Christie, Thomas Claiborne, John Clopton, Joshua Coit, James Davenport, Henry Dearborn, George Dent, George Ege, Abiel Foster, Dwight Foster, Nathaniel Freeman, jun., Albert Gallatin, Nicholas Gilman, Chauncey Goodrich, Christopher Greenup, Andrew Gregg, Roger Griswold, George Hancock, Carter B. Harrison, Thomas Hartley, Thomas Henderson, Aaron Kitchell, John Wilkes Kittera, Samuel Lyman, Samuel Macley, James Madison, Francis Malbone, John Milledge, Andrew Moore, F. A. Muhlenberg, Anthony New, John Nicholas, Alexander D. Orr, Josiah Parker, Elisha R. Potter, Francis Preston, John Reed, John Richards, Samuel Sewall, John S. Sherburne, Jeremiah Smith, Nathaniel Smith, Israel Smith, Isaac Smith, Samuel Smith, William Smith, Richard Sprigg, jr., John Swanwick, Zephaniah Swift, George Thatcher, Richard Thomas, Joseph B. Varnum, Abraham Venable, and Peleg Wadsworth.

NAYS.—Fisher Ames, Theodorus Bailey, David Bard, Thomas Blount, Dempsey Burges, William Cooper, William Craik, Jesse Franklin, Ezekiel Gilbert, James Gillespie, Henry Glen, William B. Grove, John Hathorn, Jonathan N. Havens, William Hindman, James Holland, George Jackson, Edward Livingston, Matthew Locke, William Lyman, Nathaniel Macon, Wm. Vans Murray, John Page, William Strudwick, John E. Van Allen, Philip Van Cortlandt, and John Williams.

The second resolution then came under consideration, which reads thus:

Resolved, That payment of the said sums respectively found due from the said States, [by the said Commissioners, with interest thereon at 4 per cent. per annum, from the last day of December, 1789, to the first day of January, 1795,] may be received in any of the six, three per cent. stock, or deferred stock of the United States, in the same proportions as the United States have paid and allowed for the correspondent sums in which they were found indebted to certain States, by the report of the said Commissioners."

Mr. COIT moved to add to this resolution the words printed in brackets. The resolution, as amended, was then agreed to.

It was ordered that the Clerk do carry these resolutions, as amended, to the Senate, and desire their concurrence.

Mr. KITCHELL wished to move an additional resolution, to the same effect with one which had already been negatived, and upon the decision of which he should call for the yeas and nays. It

appeared to him just that the balances should be paid, and he should think himself inexcusable were he to omit any opportunity of endeavoring to get the money. He himself had entertained no doubt but the State of New York, as well as the other States, would have paid their debt, until the members from that State had said she would not pay. If this was their opinion, he thought the House would act an unwise part, and it would be said they were spending their time in vain if they did not use means to get the money. He therefore moved a resolution to the following effect:

"Resolved by the Senate and House of Representatives, That all transfers of debt of the United States in the books of the Treasury, by any of the States indebted to the United States, on a settlement made by the Commissioners appointed for that purpose, or any person holding the debts of the said States, to the amount of their respective balances, be prohibited until the payment of the balances of the said States respectively."

Mr. COOPER hoped the question would be taken, without debate. He thought it too disgraceful to be discussed.

Mr. HENDERSON wished to amend the motion, by striking out the word "prohibited," and inserting, "suspended till further order of Congress."

Mr. KITCHELL had no objection to the amendment.

Mr. VENABLE suggested whether it would not be proper to pass a law on the occasion? As there was a law making the stock transferable, he believed it was necessary to have a law to repeal it. He believed a resolution would not repeal a law.

Mr. NICHOLAS never heard before that a resolution was incompetent to its object: it went through all the forms of a law, as the PRESIDENT must approve of it. However, if gentlemen thought it ought to be postponed and carried through a more formal process, he should not object, but he thought this quite competent. All that was requisite to make it perfectly effectual, he thought was included in the resolution, without spending the time the other procedure would take.

Mr. WILLIAMS said, in some things it may not be necessary to proceed by that form; but he thought in a thing of so much importance as this, it ought to go through the House in the form of a bill, first brought in and received its second and third reading. And if it was not so done, he thought it would not have the same operation as a law.

Mr. HARTLEY hoped a question would be taken upon the resolution as offered; another resolution may then be added, directing a committee to bring in a bill conformable to it. He hoped it would not go on in this extraordinary way, so much opposed to the moderate measures which had marked their proceeding, but take the question as it is at present.

Mr. PAGE said, that he thought such a motion highly improper, not only as it had been rejected by the House, as improper to be submitted to the consideration of the Committee of the Whole, on account of its mischievous tendency; and also, as

it had been rejected by a large majority of that Committee to which it was proposed, notwithstanding the refusal of the House to refer it; but because it certainly was, as it had been represented in the debates on those occasions, an indelicate and irritating measure, an insult to the debtor States, and at the same time injurious to public faith, and the credit of the funds. He thought the motion out of order, or, if not contrary to the written orders of the House, it appeared to him to be contrary to a rule which ought to be immutable, and written on every member's heart. I mean, said Mr. P., a regard for propriety and decency; a regard to which, in my opinion, should lead members to acquiesce in the rejection of their motions, under such circumstances as have occurred on the present occasion. Independent of this consideration, he thought that the amendment proposed so materially altered the original resolution, and was so calculated to produce warm and tedious debates in the House, and to excite resentment in the debtor States, and was also so absolutely unnecessary to be agreed to at this time, that he hoped the question would not now be put, and to prevent it he moved for the previous question.

Mr. KITCHELL said, he took it for granted, that he went no further than perfectly accorded with the rules of the House, for which he appealed to the Chair. The SPEAKER informed the member, that it was consistent with order.

The previous question was then called for, to wit: "Shall the main question to agree to the said resolution now be put?"

And on the previous question, "Shall the main question be now put?" it passed in the negative—yeas 23, nays 62, as follows:

YEAS.—Theodoros Bailey, Abraham Baldwin, Thomas Blount, Dempsey Burges, Gabriel Christie, Thomas Claiborne, John Clopton, Henry Dearborn, Nathaniel Freeman, jr., Albert Gallatin, George Hancock, Thomas Hartley, Jonathan N. Havens, Thomas Henderson, Aaron Kitchell, John Wilkes Kittera, Andrew Moore, John Nicholas, Alexander D. Orr, John Richards, John Swanwick, Joseph B. Varnum, and Abraham Venable.

NAYS.—Fisher Ames, Theophilus Bradbury, Daniel Buck, Samuel J. Cabell, Joshua Coit, Isaac Coles, William Cooper, William Cralk, Samuel W. Dana, James Davenport, George Dent, George Ege, Abiel Foster, Dwight Foster, Jesse Franklin, Ezekiel Gilbert, James Gillespie, Nicholas Gilman, Henry Glen, Chauncey Goodrich, Christopher Greenup, Roger Griswold, Wm. B. Grove, Robert Goodloe Harper, Carter B. Harrison, John Hathorn, William Hindman, James Holland, Andrew Jackson, George Jackson, Edward Livingston, Matthew Locke, Samuel Lyman, Samuel Macley, Nathaniel Macon, James Madison, Francis Malbone, John Milledge, Frederick A. Muhlenberg, William Vans Murray, Anthony New, John Page, Josiah Parker, Elisha R. Potter, Francis Preston, John Reed, Samuel Sewall, John S. Sherburne, Nathaniel Smith, Israel Smith, Isaac Smith, Samuel Smith, William Smith, Richard Sprigg, jr., William Strudwick, Zephaniah Swift, George Thatcher, Richard Thomas, John E. Van Allen, Philip Van Cortlandt, Peleg Wadsworth, and John Williams.

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[In order to obtain a better acquaintance with the subject of the foregoing debate, the reader is referred to the following statement from the pen of Mr. GALLATIN.]

Statement relative to the Assumption of the State Debts.

States.	Federal number of inhabi- tants of the se- veral States.	Gums assumed by the Union in State Debts of the re- spective States.	Balances found for and against the several States, by the Com- missioners appointed to settle the ac- counts.		Proportion of each State of the aggregate of balances funded in their favor by the Union.	Balances now due to and from the several States, by reason of the balances found due to certain States by the Commission- ers, having been funded.		Proportion of each State of the aggregate sum assum- ed by the Union in State debts.	Balances which would have been found due to and from the se- veral States, by the Commissioners, had no assumption of State debts taken place before the set- tlement of accounts.	
			In favor of States.	Against States.		Due to.	Due by.		In favor of.	Against.
New Hampshire.	141,891.8	\$282,595 51	\$75,055	.....	\$141,307 34	\$141,307 34	.....	\$734,008 85	.....	\$376,358 34
Massachusetts.	475,327.0	3,981,783 05	1,243,801	.....	473,602 76	473,602 76	.....	2,460,088 81	\$2,770,445 24	.....
Rhode Island.	68,445.8	200,000 00	299,611	.....	68,197 51	68,197 51	.....	354,246 12	145,364 88	.....
Connecticut	236,840.4	1,600,000 00	619,121	.....	235,981 27	235,981 27	.....	1,225,784 39	998,386 61	.....
New York.	381,590.4	1,183,716 69	.....	2,074,846	330,387 56	.....	\$1,744,468 44	1,716,169 78	.....	2,607,299 09
New Jersey	179,569.8	695,202 70	49,030	.....	178,918 42	178,918 42	.....	929,376 32	.....	185,143 63
Pennsylvania.	432,872.2	777,983 48	.....	76,709	431,307 95	354,598 95	.....	2,240,892 02	.....	1,539,117 54
Delaware	55,539.2	59,161 65	.....	612,428	55,337 73	.....	557,090 27	287,447 09	.....	840,712 44
Maryland	278,513.6	517,491 08	.....	151,640	277,503 30	125,863 30	.....	1,441,467 01	.....	1,075,615 93
Virginia and Ky.	699,264.2	2,934,416 00	.....	100,879	696,727 64	595,848 64	.....	3,619,091 77	.....	785,554 77
North Carolina.	353,522.2	1,793,803 85	.....	501,082	352,239 81	.....	148,842 19	1,829,679 38	.....	536,957 53
South Carolina.	206,235.4	3,999,651 73	1,205,978	.....	205,487 29	205,487 29	.....	1,067,386 03	4,138,243 70	.....
Georgia.	70,842.4	246,030 73	19,968	.....	70,585 42	70,285 42	.....	366,649 90	.....	100,631 17
Total....	3,530,390.4	18,271,787 47	3,517,584	3,517,584	3,517,584 00	2,450,390 90	2,450,390 90	18,271,787 47	8,047,390 43	8,047,390 43

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Debts due from States.

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STATEMENT—Continued.

States.	Sums in State debts, which, had no assumption taken place before the settlement of accounts, it would have been necessary to assume in order to render the aggregate of the ultimate balance due to and from the several States equal to the aggregate of the balances now due to and from the several States.	Proportion of each State of the aggregate sum which it would have been necessary to assume per the preceding column.	Ultimate balances which would have been due to and from the several States, had no assumption taken place before the settlement of accounts, but had the sums mentioned in the last column but one been respectively assumed for certain States after the settlement of accounts.		Sums to be deducted from sums originally assumed for each State, supposing the interest accrued during 1790, '91, upon State debts, as summed for said States, had not been charged to said States in the settlement of their accounts.	Proportion of the sums to be deducted from the original assumption, according to the supposition of the preceding column.	Balances which would have been found for and against the interest accrued during 1790 and 1791, upon the State debts originally assumed for the said States, had not been charged to the said States in the settlement of accounts.	
			Due to.	Due by.			Found for and against the interest accrued during 1790 and 1791, upon the State debts originally assumed for the said States, had not been charged to the said States in the settlement of accounts.	Proportion of the sums to be deducted from the original assumption, according to the supposition of the preceding column.
New Hampshire.	.....	\$466,363 75	\$90,005 41	.....	\$23,259 55	\$73,400 89	\$29,913 66	.....
Massachusetts.	\$3,843,573 74	1,563,055 06	489,926 56	.....	398,173 31	246,008 88	1,400,965 43	.....
Rhode Island	299,892 47	225,075 69	70,548 10	.....	20,000 00	35,424 61	284,186 39	.....
Connecticut.	1,528,042 58	778,820 87	244,114 90	.....	160,000 00	122,578 44	656,542 56	.....
New York.	.....	1,090,394 72	.....	\$1,516,904 37	118,371 67	171,616 98	.....	\$2,128,091 31
New Jersey	220,264 60	590,493 46	185,085 24	.....	69,520 27	92,937 63	25,612 64	.....
Pennsylvania	.....	1,423,467 35	.....	115,650 19	77,798 35	224,039 20	.....	222,949 85
Delaware.	.....	182,633 91	.....	658,078 53	5,916 26	28,744 71	.....	635,256 45
Maryland.	.....	915,858 12	.....	159,757 81	51,749 11	144,146 70	.....	244,037 59
Virginia and Kentucky	793,148 61	2,299,445 32	720,741 94	.....	293,441 60	361,909 18	.....	169,316 58
North Carolina	261,176 69	1,162,514 78	364,380 56	.....	179,380 39	182,967 94	.....	504,669 55
South Carolina.	4,603,853 86	678,180 04	212,569 88	.....	399,965 17	106,738 60	1,499,204 57	.....
Georgia.	59,307 14	232,956 62	73,018 31	.....	24,603 07	36,664 99	7,926 08	.....
Total.	11,609,259 59	11,609,259 69	2,450,390 90	1,450,390 90	1,827,178 75	1,827,178 75	3,904,351 33	3,904,351 33

JANUARY, 1797.]

Monsieur Poirey—Encouragement to Miners.

[H. OF R.]

RULES OF THE HOUSE.

Mr. HENDERSON said, that every day's experience convinced him of the propriety of adopting some rule to close upon petitions which had already been decided upon by the House; for, if petitioners were permitted to bring forward their claims session after session, when they had already been rejected, they might be wholly employed in the business. In order to bring the question before the House, he proposed a resolution to the following effect:

"Resolved, That a committee be appointed to inquire whether any, and if any, what, further rules are necessary to be adopted by this House, and added to the Standing Rules of the House."

The resolution was agreed to—ayes 31, noes 24.

Messrs. MUHLENBERG, BALDWIN, and HENDERSON, were appointed a committee pursuant thereto.

MONSIEUR POIREY.

Mr. MADISON called up the report of the Secretary of War, on the petition of Monsieur Poirey, formerly Secretary and Aid-de-camp to the Marquis Lafayette.

The report is dated the 5th of April, 1796. It states that the petitioner may have performed the duties of Aid-de-camp to the Marquis, but it is not certain whether he was only a supernumerary aid. His exact services cannot be precisely defined, without access could be had to the general orders issued by the Commander-in-Chief, and Major-General Lafayette. It appears that M. Poirey never received pay, as Secretary or Aid-de-camp. As to his pay in the former capacity, two resolutions of Congress, dated June 17, 1777, stipulate the one, that the pay of a secretary to a Brigadier General in a separate command, is to be fifty dollars per month; and the other, that the pay of the secretary of the Commander-in-Chief in the Northern department, be sixty dollars per month.

Supposing M. Poirey to come under this description, the objections are a tacit waiver of it, as stated in his petition, and the act of limitations. Both exclude the petitioner. But the Secretary of War hints, that perhaps he may be more favorably looked upon, as he waived claiming his pay when it might have been had. He only recurred to it, when misfortune and distress made the application a duty. He was beyond sea when the act of limitation passed, and probably knew nothing about it.

Mr. MADISON moved that a bill should be brought in. It was objected by Mr. MACON, that this gentleman, by a refusal of his claim, would be in no worse situation than hundreds of old soldiers who had petitioned the House without having known any thing about the statute of limitations. They had been refused, and on the same ground so should this petitioner be.

The report was referred to a Committee of the Whole House, and made the order of the day for to-morrow.

MILITARY ESTABLISHMENT.

Mr. S. SMITH proposed the following resolution to the House:

"Resolved, That a committee be appointed to inquire whether any, and what, amendments may be necessary to the act to ascertain and fix the Military Establishment of the United States?"

MESSRS. S. SMITH, HARTLEY, PARKER, VAN CORTLANDT, and DEARBORN, were appointed a committee pursuant to the same.

SALES OF PUBLIC LANDS IN OHIO.

Mr. GALLATIN proposed the following resolution to the House:

"Resolved, That a committee be appointed to inquire into the progress made in carrying into effect the act providing for the sale of lands in the Territory Northwest of the river Ohio, and above the mouth of Kentucky river, and also whether any, and if any, what, alterations are necessary in the same?"

Mr. MADISON submitted it to the mover whether it might not be more proper immediately to make the inquiry of the proper Department, without a committee? In general he did not see the necessity of a committee when the application would be immediately made to the Department.

Mr. GALLATIN said, he was not very well informed as to the propriety of his motion. His reason for bringing forward the resolution was, that in our present great want of revenue, he wished to know whether we had any prospect of receiving anything from the sale of our lands? He feared we had not much to expect from it at present. He believed a committee would be proper. A committee of five was appointed.

JOHN CLEVES SYMMES.

Mr. HENDERSON called up the order of the day on the claim of John Cleves Symmes.

Mr. GALLATIN wished, if in order, it might be referred to a select committee. He observed there were a number of papers relative to it which were necessary to be examined, that the Attorney General did not give all the information that was necessary on the subject, he would therefore move that the Committee of the Whole be discharged from the consideration of it, in order to recommit it, as he wished it to be brought to a proper issue.

Mr. KITCHELL did not know that he should object to this proposition, but observed that last session it was referred to a select committee; after sitting on it some time, it was referred to the Attorney General; now referred to a Committee of the Whole, and proposed to be recommitted. He thought this might be saved if gentlemen would give themselves the trouble to examine the papers.

After some observations from Messrs. HENDERSON and GILBERT, it was referred to Messrs. GALLATIN, VENABLE, HAVENS, AMES, and SHERBURNE, to examine and report thereon.

ENCOURAGEMENT TO MINING.

Mr. HENDERSON called for the order of the day on the report of the committee of February 12th, 1796, to whom was referred the memorial of Nicholas J. Roosevelt, and Jacob Mark.

The following report of the select committee was read, viz:

"That the said memorialists having procured from the mining countries in Europe, a number of men, well

H. OF R.]

Encouragement to Mining.

[JANUARY, 1797.]

skilled in the arts of mineralogy and metallurgy, have them now in the United States, either connected with, or employed by them.

"That, by their means, they offer to explore the Territory of the United States, for mines of metals, semi-metals, and all other minerals; provided a reasonable time be allowed them to make the search, and the right of working the mines, when discovered, be exclusively vested in them, for a sufficient period; they rendering a proper proportion of the gross product to the United States.

"The Committee are of opinion, that their offers merit the attention and encouragement of Congress; the general use of all metals, and of most minerals, rendering it a very desirable object to possess them within our own limits. Appearances, too, as your committee are informed, justify the opinion, that many valuable mines do exist within the Territory of the United States, which can only be rendered useful, by that skill and knowledge of the subject, which the peculiar circumstances of Europe enable the memorialists to offer.

"Your committee, therefore, recommend the following resolutions:

"*Resolved*, That a right be granted to Nicholas Roosevelt and Jacob Mark, and their associates, during the term of — years, to enter upon any of the waste lands in the Territory of the United States, the Indian title whereof is extinguished, to search and explore the same, for mines of metals, semi-metals, and all other minerals.

"*Resolved*, That the right of working all such mines as shall be discovered by the said Nicholas Roosevelt and Jacob Mark, and their associates, shall be vested in them, for the term of — years; they rendering an equitable proportion of the gross product of such mines to the United States."

Mr. SWIFT objected to the report, as making a grant without a valuable consideration. To make a grant of this kind, he said, would embarrass the property of the United States. To allow such persons to search for mines and erect machines for working them, would greatly lessen the value of our lands. He hoped, therefore, that the report would be disagreed to.

Mr. HENDERSON believed the gentleman from Connecticut had not attended sufficiently to the resolution before the Committee, when he asserted that it proposed to make a grant without consideration, as it was there said that they were to render a certain portion of the proceeds to the United States; so that if the business was profitable to them, it would be so to the United States. The consideration, he said, embraced two objects of public improvement, worthy the attention of Government. It would make us independent of foreign nations for the more precious and useful metals. If these metals, said he, lie entombed in the bowels of the earth, they are of no use to any one. This provision, he said, would encourage individuals to search and explore for these metals, and might eventually be productive to the revenue of the United States. In several parts of Europe, he believed, mines were of great value to the revenue. He was of opinion there were valuable mines in the United States, and an opportunity now offered of exploring them without expense to the Union. He saw no inconvenience that would arise from this, and several advantages. To go in-

to a detail of the business was not necessary at present. The principle alone was what they had to determine upon. There might be exceptions made. He believed there ought to be some of the more common articles reserved; but he believed the more precious metals should be left to be explored by adventurous individuals. Instead of embarrassing our Territory, he believed it would be a means of promoting settlement, as wherever metals were found, population would take place, and the land would be increased in value. And it need not embarrass the sale, because the property of the metals might be sold with the land, if desired. Government, he said, would run no risk, would be at no expense, and the revenues would probably be increased.

Mr. GALLATIN thought such a principle would not have been supported. He hoped they should have allowed our own citizens to have found out our metals. To give a privilege to persons to work mines, and to enter upon any of our land, on such terms, would be a most extraordinary policy. The natural consequence would be the enhancement of the price of metal. He trusted the report would be disagreed to.

Mr. MACON said, that such a measure would give a monopoly of all the mines of the United States. The best policy, he believed, in all such cases, was to leave the business to the industry of our citizens. He believed they would work the mines, if it was their interest to do so; if it was not, he did not wish to offer them an inducement to do it.

Mr. HENDERSON did not wish the business to be confined to one set of adventurers. He would rather wish to encourage adventurers. It was meant only that when these persons found the mines, they should have the exclusive privilege of working them for a certain term.

The report was disagreed to, the Committee rose, and the House confirmed the disagreement.

FRIDAY, January 6.

WILLIAM FINDLEY, from Pennsylvania, appeared and took his seat.

INVALID CLAIMS.

On motion of Mr. D. FOSTER, the House went into a Committee of the Whole on the report of the Committee of Claims, on the 24th of December, 1795, on a return from the Accountant of the Treasury, on certain claims not admitted to be valid. This report classed the claims under different heads; and the Committee of Claims recommended an agreement to the whole, except the eleventh class, which included the petition of John T. Gilman, who prayed for compensation as a Commissioner for endorsing new-emission money, issued by Congress in March, 1780; which they recommended to be disagreed to, believing him to be entitled to his claim.

After some observations, chiefly urging the impropriety of deciding upon these claims in a mass, instead of individually; in order to obtain papers which were called for, and which were in the

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Robert Harris.

[H. OF R.]

Auditor's Office, the Committee rose, and obtained leave to sit again.

STATEMENTS OF REVENUE.

Mr. HARPER called up the resolution which he laid upon the table the other day, calling for certain statements from the Treasury Department, relative to the revenues of the United States, within ten days after the meeting of each session.

Mr. GALLATIN wished the gentleman from South Carolina would amend his resolution, by adding a request for like statements for this session. As it might be alleged the notice was short, and complete statements could not be made out, it might be said, "such statements as could be conveniently furnished."

Mr. HARPER said, he thought of making a separate resolution for the purpose the gentleman had mentioned; but, on inquiry at the Treasury Office, and finding that such information had not been received there as would enable the Secretary to furnish a return, he declined it. This arose from the former order on this subject having been only temporary, and the officers in different parts of the Union not having instructions to forward the statements required. The resolution was agreed to.

ROBERT HARRIS.

Mr. CHRISTIE called for the order of the day on the report of the Committee of Claims on the petition of Robert Harris.

The petitioner, it appears, was a Captain of what was called the Flying Camp, in Maryland, during the late war. He raised his own company in 1776. In December, 1777, owing to the fatigues of the service, his health was impaired, and he left the service, and went over to the West Indies, for the benefit of his health. Before he went, it was said, (though it did not appear in evidence,) he applied to the Paymaster of the Army for his pay, but was only able to get two months' pay out of eleven, which was due. When he returned from the West Indies, in the year 1780, he applied to the Treasury for payment for the remaining nine months; when, instead of three hundred and sixty dollars, he was offered sixteen only, which was the amount due—reckoning upon the scale of depreciation which had taken place in his absence. This he refused to receive, and appeals to the justice of Congress for relief.

The following is part of the report of the Committee of Claims:

"As very many, indeed nearly all the officers and privates, under similar circumstances, have received their wages, by the rule established, as aforesaid; and as Captain Harris shows no reason why he did not receive his money from the Paymaster, the committee think it would be inexpedient to establish a new rule at this time; and are therefore of opinion his memorial ought not to be granted, and that he have leave to withdraw the same."

Mr. CHRISTIE said, that as the House were so much in the habit of agreeing to reports from the Committee of Claims, he despaired of making them disagree to this report. It was, however, a

gross trick. The money was received back at its full worth at the Treasury.

Mr. FOSTER contended that after the money was given to the Paymaster, currency was in a constant state of depreciation. Whose was the money after it went into the hand of the Paymaster? It was that of Captain Harris, and he might at any time have received it. Captain H. did not call for it until it was sunk very low; and were the United States to suffer for his negligence in not calling? He presumed not. It was returned to the Treasury, and sunk in value before he came for it.

Mr. DEARBORN said, that it was common for officers to receive money at a depreciated rate; and the Paymaster not having money in hand, they had often been obliged to wait six or twelve months, and he could see no reason for making this depreciation more than others. It would be endless to go into all cases. Mr. Harris might have received his money at any time for two years. Mr. D. could not see why he should get the money at any higher rate than was current at the time when he called for it.

Mr. CRAIK wished to know, if Captain Harris had applied to the Paymaster for his money, and at what time?

Mr. D. FOSTER answered, it was impossible to know whether he did apply or not: he only knew, which he thought sufficient, that he might have received the money.

Mr. CHRISTIE said, that Captain Harris informed him that he did apply to the Paymaster when he left the service, and could only get two months pay out of eleven months. He said, Mr. DEARBORN knew well enough of its being possible to call on a Paymaster without getting money. When he left the service he could get no more than the pay for two months.

Mr. S. SMITH said, that Captain Harris resigned on the 9th of November, 1777; he soon after went to the West Indies; on coming back to the United States, he found that the money had been returned whole and sound to the Treasury, it had suffered no loss. The petitioner was not barred by the act of limitations, and as no possible injury could be sustained by the United States paying it; as they had received it in full, it was just that it should be paid. There was no other case like this.

Mr. MACON said that this would be like many other stories. There would never be any thing like it till the petition was granted. Last year there was a petition about the Northwestern Territory; the prayer was granted; and, soon after, the table was covered with petitions. Captain Harris went out of the country, and it was his own fault he did not make application in time. The consequences would be very great if the depreciation was to be made up to this man.

Mr. LYMAN said, that there was a harder case than this in Massachusetts. Two Paymasters ran away with \$40,000. They were elected by the officers of the troops. The Paymasters are elected entirely by the officers, and it was doubtful if privates were bound by this election. Yet Con-

gress refused to indemnify them; and Captain Harris's situation, whether he applied or not, could not be so hard as these men, who were never paid. If the House attended to this he hoped, in justice, they would take up all others on their application to that effect.

Mr. DEARBORN replied. He said that, when Captain Harris applied, the Paymaster had no more than the two months pay in his hands. He might probably have received the money in full in two or three months, but did not apply. Then the question was, whether, after staying some years, and the money was very much depreciated, he or the United States was to lose by that depreciation?

Mr. S. SMITH said that, if the money had remained in the hands of the Paymaster, the petitioner must have been responsible for the depreciation; but, while the money was gold and silver, the Paymaster, like an honest man, returned it to the Treasury. The United States had committed themselves by reaccepting it. They had no right to take advantage of the depreciation; they received the identical money, and ought to have paid it. He knew not whether this was law, but he knew it was equity and justice.

Mr. CHRISTIE said, that Mr. LYMAN had called that a much harder case in Massachusetts than Captain Harris's. The Paymasters ran away. What odds did it make to the petitioner, when the United States ran away with the money, whether it was by a Paymaster or otherwise, that he lost the money? The money was paid back while it was good money. It was a *bona fide* debt. He did not know if the petition was agreeable to law, but he knew it to consist with equity. Every man knew that Captain Harris had not received justice.

Mr. SWANWICK spoke a few words in favor of the petition. He thought it exceedingly improper to charge a depreciation to this man when they received back into their Treasury the full money; this he thought an unfair advantage. Had motives of policy prevailed, great advantages of this kind, he presumed, might have been obtained. The Government, and not Captain Harris, ought to have had the depreciation. It was a very hard case.

Mr. KITTERA objected against it. If this were the only solitary case where valuable officers had not received their rights, he should vote for it, but he knew very many accounts had been settled upon the same principle. That he had been present last Winter when a petition came in, that was said to be on a singular case. Presently, on its success, many others followed it; and he thought the same dangerous tendency would naturally occur, were they to grant this.

Mr. CHRISTIE said, that he had made every inquiry at the War Office that could be made. Major Howell had made repeated inquiries, and could not find a single case in the same situation.

The Committee agreed to the report. They rose; the House agreed to the report of the Committee of the Whole; and the prayer of the petitioner was refused.

AMENDMENT OF THE CONSTITUTION.

Mr. W. SMITH said, he wished to lay a resolution on the table respecting an alteration in the Constitution; it was in that part of it which directed the Electors of a PRESIDENT and VICE PRESIDENT to vote for two persons, one of whom should be PRESIDENT and the other VICE PRESIDENT. It had been discovered that great inconveniences might arise from this mode of election. Gentlemen must be satisfied that it could not answer the end intended, viz: to carry into effect the real intention of the Electors. He believed there could be no objection, therefore, to the alteration which he was about to propose, as it went only to authorize Electors to designate whom they meant to be PRESIDENT and whom VICE PRESIDENT. Mr. S. thought this a proper time for bringing forward this amendment, for two reasons—because the matter was fresh in people's minds, and because it was right to do it at a period the most remote from an election, in order that the States might have time to ratify the amendment before an election might be near at hand; because, if postponed till near the time of an election, the uncertainty of its being ratified would have a disagreeable effect. He would, for this purpose, propose a resolution to the following effect:

"Resolved, That the third clause of the first section of the second article of the Constitution of the United States ought to be amended in such manner as that the Electors of a President and Vice President be directed to designate whom they vote for as President, and for whom as Vice President; and that the said amendment be proposed to the different State Legislatures for their concurrence, in order that it may become part of the Constitution of the United States."

The resolution was ordered to be printed.

MONDAY, January 9.

The motion of yesterday, on the alteration of the Constitution respecting the election of PRESIDENT, was committed to a Committee of the Whole House on the state of the Union.

Mr. DEARBORN, from the committee to whom it was referred to inquire whether any and what alterations ought to be made by law in the compensation of the officers of the United States, reported it as their opinion that the salaries of the Secretary of War and Attorney General should be augmented \$500; and that the salaries of the Secretary of State, Secretary of the Treasury, Secretary of War, Attorney General, Postmaster General, Treasurer, Comptroller of the Treasury, Commissioner of the Revenue, Auditor, Register, Assistant Postmaster, and Keeper of Military Stores, should be increased 25 per cent. They also recommend that the act for regulating the compensations allowed to clerks in public offices, passed last session, should be continued for the year 1797, and no longer; and also that an additional compensation should be allowed to the Loan officers of Massachusetts and New York of \$375, and \$300 to be distributed among the clerks in each office; and that the sum of \$120 be allowed among the

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Encouragement to Manufacturers—Internal Revenue.

[H. OF R.]

clerks in the Loan office of Pennsylvania for the present year. This report was twice read, ordered to be committed to a Committee of the Whole, and made the order of the day for Thursday.

Mr. D. also, from the committee to whom was recommitted the bill for establishing an uniform Militia system throughout the United States, reported a new bill, which was twice read, committed to a Committee of the Whole, and made the order for Friday.

Mr. SWANWICK, from the Committee of Commerce and Manufactures, reported a bill for licensing pilots in the States of Virginia and Maryland, within the waters of those States. It was read a second time, committed to a Committee of the Whole, and made the order for Friday.

A Message in writing was received from the PRESIDENT OF THE UNITED STATES, which the SPEAKER having opened, he declared to be of a confidential nature, and that therefore the House and galleries must be cleared of all but the members and the Clerk. They were cleared accordingly.

After the doors had been closed little more than half an hour, they were again thrown open.

ENCOURAGEMENT TO MANUFACTURERS.

Mr. SWANWICK, from the Committee of Commerce and Manufactures, made a report on the petitions of Richard R. Saltonstall, Jacob Broom, Robert Dawson, William Crowley Jordan, John Nicholson, and the proprietors of the glass manufactory of Boston, and of sundry hat manufacturers in the United States.

Mr. Saltonstall had formerly obtained a patent for securing to him an improved use of sumach, and complained that he had been disturbed in his right by others who pretended his discovery had been made in other countries before he obtained his patent. He prayed for security in the enjoyment of his patent, or compensation for his expenses. The committee reported that a Court of Law was the proper tribunal for an appeal, and resolved that the prayer of the petitioner could not be granted.

Jacob Broom is the proprietor of a cotton mill on Brandywine creek. He prays that the duty on raw cotton may be repealed, and that an additional duty may be laid on cotton goods imported. The committee report that to repeal the duty on raw cotton imported would be to damp the growth of cotton in our own country, and that imported cotton goods already paying a duty of 12½ per cent., the tax was sufficiently high to allow ample room for competition. The petition was therefore not granted.

Robert Dawson is a manufacturer of bolting cloths at Wilmington. He prays for a repeal of the duty on raw silk, in order to aid his manufactory, the produce of which, he says, is superior to any imported. The committee report that the superior quality of these bolting cloths was sufficient to recommend them, without embarrassing the revenue by a repeal of the present duty. The petitioner had leave to withdraw his petition.

William Crowley Jordan is a silk manufacturer,

who is desirous of establishing a silk manufactory in this country, and prays Congress to assist him with some addition to his capital. The committee reported, that if our finances were in a state to encourage a scheme of this sort, they should very much doubt of its success from the high price of labor. This petition was also disagreed to.

John Nicholson, of this city, and the proprietors of the glass manufactory at Boston, pray their manufactories may be encouraged by an additional duty on glass imported. The committee report it as their opinion that the high price of labor, which time only could cure, was a greater obstacle to their manufactory than the duty, and that therefore the prayer of the petition ought not to be granted.

Sundry manufacturers of hats in the United States pray for an increase of duty on hats, for the encouragement of their manufactory. The committee's opinion upon this petition was the same as upon the last, and it was of course disagreed to.

The reports were twice read, and the House concurred in them.

INTERNAL REVENUES.

Mr. W. SMITH called for the order of the day on the report of the Committee of Ways and Means, to whom it was referred, to take into consideration the subject of further revenues, and the provisions requisite for improving and more effectually securing the internal revenues; which being agreed to, the House resolved itself into a Committee of the Whole, and the following resolution was brought under consideration:

Resolved, That it will be expedient to abolish the tax laid on spirits distilled from materials of the growth or produce of the United States, at any other place than a city, town, or village, or at any distillery in a city, town, or village, at which there shall be one or more stills, which singly, if only one, or together, if more than one, shall be of less capacity than four hundred gallons; and to collect this branch of the revenue from a tax on the capacity of the stills."

Mr. MACON said it appeared to him that this provision would have the effect to destroy all the small stills in the country, and to establish large distilleries. In the country, where fruit was generally distilled, this would be a great inconvenience, as it was necessary to be done immediately. He believed the system was going on pretty well at present, and he thought it unnecessary to make any change in it.

Mr. HENDERSON hoped the resolution before them would not be agreed to. He believed it would operate against many of the small stills. Perhaps, indeed, this was the meaning of it; for, if he remembered rightly, a gentleman from South Carolina, [Mr. HARPER,] on a former occasion, had expressed a wish that small stills might be annihilated, and large distilleries erected. With respect to New Jersey, Mr. H. said, the article of cider was mostly distilled. It was difficult to carry this to a distance, and therefore the number of small stills was very considerable; but, should this resolution be carried, it would subject them to great difficulties, and, in many instances, amount to a

prohibition from distilling at all. He believed the system at present was pretty generally satisfactory.

Mr. GALLATIN said, both the gentlemen from North Carolina and from New Jersey seemed to be certain that the plan proposed would have the effect to destroy small stills, and from thence derived their objections to it. He wished they would show how this would be done. He believed the law might be so carried into effect, but he also believed that it might be so arranged as to avoid it.

Gentlemen had said that the present system was very well. He would say it was not so. It was unproductive. The expense of collection upon that part of the revenue which was drawn from spirits distilled in the country, on domestic materials, cost from 32 to 33 per cent. collecting. What the nett amount of the duty was he did not recollect; he believed it was from \$150,000 to \$200,000 per annum. It was clear, he said, that the moment a direct tax was laid upon the still, instead of the spirits, two-thirds of the expense of collection would be got rid of; all that was necessary being to measure the still, instead of having an officer to watch the operations of the distiller. Here, he said, frauds could not be easily committed. Nothing was necessary to be known, but whether a man distilled or not; if he distilled without a license, he would be liable to a penalty, and this was all the fraud which could be practised.

Another great objection to the present system, Mr. G. said, was, that it gave great advantages to the unfair trader over him who traded fairly. Some were advantaged through ignorance, and some through design; an oath, he said, would bind some men, but not all. This would be altogether prevented by the plan proposed. Every man would stand upon the same ground.

It was true, and it was the only objection which could be made to it, that if an equal tax was laid upon the capacities of all stills, there would be an advantage in favor of large stills; because, upon large stills, large capitals would be employed, and they would be worked throughout the whole year; but, in order to remove this objection, he thought a certain scale should be formed, in order to proportion the duty according to the size of the still. He was of opinion that this single provision would remove all objections. If the resolution was agreed to, it would of course be referred back to bring in a bill, and then it would be seen whether this evil could not be remedied in the way mentioned. All the revenue officers, Mr. G. said, were agreed as to the propriety of this measure.

Mr. PARKER said, if the mode proposed could be so modified as not to injure the small stills, he should have no objections to it; but if it were to have that effect, he trusted he should be able to show that it was a very improper measure.

Mr. DAYTON (the Speaker) said, at first the report appeared to him in an unfavorable light. He feared it would have the effect—nor was the fear an unreasonable one—to injure small stills; but he now saw it possible to prevent their injury, and even to protect them. He thought there was a regulation of greater importance than the one

mentioned by the gentleman from Pennsylvania, [Mr. GALLATIN.] He thought small stills should have the privilege of taking out licenses for a shorter time than a year. Foreseeing that the House would have an entire control over the subject when it came before them in the form of a bill, he did not mean to oppose it in this stage.

The resolution was agreed to, the Committee rose, the House concurred in it, and it was referred to the Committee of Ways and Means to bring in a bill.

CASE OF M. POIREY.

On motion of Mr. MADISON, the House went into a Committee of the Whole on the report of the Secretary of War, on the petition of M. Poirey, Secretary and Aid-de-camp to Major General Lafayette.

It appears that M. Poirey followed the example of General Lafayette, in declining to receive any pay for his services in the course of the late war; but, like his master, having been overtaken by misfortune, he calls upon the equity and generosity of the American nation to afford him relief, in the same manner as they had, unasked, requited the service of General Lafayette.

The report being read, Mr. MADISON, in order to take the sense of the House, moved the following resolution:

“That provision ought to be made by law for settling the claim of M. Poirey.”

Mr. M. said that the plea of the petitioner seemed to be this, that, since the House had behaved with generosity to the General himself, they would be equally favorable to him.

Mr. COIT said that there was an infinite number of cases of the same kind. He wished, on this account, that it had been at once sent to the Committee of Claims. It would then have been compared with other cases of the same nature. He moved that the Committee of the Whole should rise for that purpose.

Mr. LYMAN hoped that they would not rise. The House was as competent to decide at present as they ever could be. The whole facts were before them. Mr. L. was for rejecting the petition. He did not understand this way of first giving up a claim and then coming back a second time.

Mr. COIT thought that it was of importance to decide uniformly. As other cases of the same kind had been before the Committee of Claims, he wished this to be referred in order to have a similar decision with others.

Mr. SWANWICK did not wish the Committee to rise, nor the petition to be referred to the Committee of Claims. He thought that it would be an uncommonly hard and disagreeable case, after a man had served this country, that he should not be paid for it. He considered it even as bad policy, setting gratitude out of the question. The American Revolution had indirectly conducted to that of France, by which the petitioner had been reduced to ruin. Mr. S. urged the propriety of granting the prayer of the petitioner. It was a case analogous to that of Lafayette himself. Having paid the General, we ought of course to pay

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the Secretary. The latter had, like the former, waived his claim till compelled by necessity. He hoped that the Committee would not take advantage of this generosity to deprive him of the money.

Mr. THATCHER doubted whether the two cases were analogous. It had been said that Lafayette generously made a waiver of his claim, and that the Aid-de-camp did the like. As to the latter, Mr. T. had doubts. If this had really been the case, he should be willing to let him be paid now.

Mr. S. SMITH insisted that the case of this officer and Lafayette bore a close resemblance. This gentleman had not been paid. He was not in the list of officers who had been so. He had cast himself on the liberality and equity of the House. Mr. S. hoped that the request of the petitioner would be granted.

Mr. SWANWICK asked what kind of appearance this country would make in Europe, if it should be told that the General had been paid, but not his Aid-de-camp? When a native American was cut off by the statute of limitations, there was still this to be said; that he had gained and shared in the advantages of the American Revolution. But the French officer had no consolation of that kind. It had tended to precipitate this gentleman and others into ruin.

Mr. KITCHELL was against the petition, and he did not see in what way the petitioner could be said to have waived his claim. As for the grant to Lafayette, he had been of much use to this country in many other respects, as well as by his military services; he had been the means of America's obtaining pecuniary aid.

Mr. DAYTON understood his colleague last up as being rather against the quantum than the principle of the compensation. He saw no use for rising in order to refer. The facts were all before the Committee. No new information could be got. It was known that Lafayette and his family were in a particular situation. Not one of them took any money. Mr. D. would consider it as extremely hard to hold up the statute of limitations against any person, either an American or a foreigner, who was beyond seas when it passed.

Mr. MACON thought the case of Debord equally hard, as well as many others. Thus a man petitioned the House who had gone to Kentucky, thinking that he could do better beyond the mountains; he came back, and applied for what was due, declaring that he never once heard of the statute: he was refused redress, as well as many others. Mr. M. said that we are as bound to take care of our own citizens as of Frenchmen. As for the French Revolution, we have nothing to do with it in this question.

Mr. MURRAY said, there is not a farmer in the United States who would not approve the affording of relief in this case; for, said he, who among them, if a young man, fond of agriculture, should serve him faithfully for a year, and at the end of that period, wishing to pursue his inquiries into distant lands, should leave him, but decline to be paid for his services because he did not want the money, would, if that same young man should re-

turn in the course of a few years in distress, and ask of his equity and generosity what, before, he could have claimed of his justice, turn a deaf ear to him, and say, "I owe you nothing; since you did not receive your due when you might have had it, I cannot now listen to your distress." He believed no one would be found to do this.

Mr. COIT endeavored to show that the rules of morality which suited domestic concerns could not, in this case, be applicable or practicable in regard to the statute of limitations.

Mr. MURRAY repeated his hopes that the prayer would be granted.

The Committee agreed to the resolution; they rose, and the Chairman reported.

MESSRS. MADISON, SWANWICK, and MURRAY, were appointed a committee to bring in a bill pursuant thereto.

TUESDAY, January 10.

WADE HAMPTON, from South Carolina, appeared and took his seat.

Mr. THATCHER, from the committee appointed to inquire if any or what alterations were necessary in the establishment of Post Offices and Post Roads, reported a bill, which was twice read, and ordered to be committed to a Committee of the Whole on Monday next.

ADDITIONAL TAXES.

Mr. HENDERSON proposed a resolution to the House, in the following words:

"Resolved, That the Committee of Ways and Means be instructed to inquire into the propriety and expediency of laying a tax upon all theatrical exhibitions; and also to inquire whether any, and if any, what, articles of foreign growth or manufacture imported into the United States, or of articles manufactured or used within the United States, will allow of an additional duty to be laid upon them; and to report thereon?"

Mr. H. said his reason for offering this resolution to the House was, because the subject of revenue was likely soon to come before them. It was, he said, in contemplation to lay a tax upon land, which appeared to him an object of the greatest importance, and that every means of indirect taxation should be resorted to before direct taxation was adopted. He did not wish to be understood to be opposed to direct taxation, when all other means failed; but he was of opinion there were objects upon which indirect taxes might be laid, which had not yet been attended to. It was on this account he offered the above resolution.

JOHN GIBBONS.

On motion of Mr. MILLEDGE, the House resolved itself into a Committee of the Whole, on the report of the Committee of Claims on the petition of John Gibbons, Treasurer of Georgia. The report, which was as follows, was read:

The Committee of Claims, to whom was referred the petition of John Gibbons, Treasurer of the State of Georgia, report—

That the petitioner, in his official capacity, prays that final settlement certificates may be issued in favor of

the said State, for the sum of \$123,283 70, contained in a certificate, dated the 18th May, 1785, and signed by John Pierce, Commissioner, which is not considered by the officers of Government as a final settlement certificate, and payment of interest thereon is refused; or that some other relief may be granted.

On the investigation of this claim, the committee find the following facts, viz :

The State of Georgia paid the officers of their line up to the close of the war, and the five years' pay, commonly called commutation.

On the 1st day of June, 1784, Congress passed a resolution which provides "that the several States shall be credited, in their accounts with the United States, for the specie value of all sums by them paid to their officers and soldiers in the Continental Army, due from the United States; provided such payments shall have been notified to the Paymaster General, and by him charged to such officers and soldiers, in settling their accounts with the United States; and interest shall be allowed the said States from the time of payment so made.

On the 7th of May, 1787, Congress ordained that a Board of three Commissioners should be appointed, whose duty it should be to receive from the Comptroller of the Treasury, and from the Commissioner of Army Accounts, all the accounts and claims of the several States, &c., that a final adjustment of such claims, on uniform and equitable principles, might be had.

On the 6th day of August, 1790, a law was passed by Congress, similar to the ordinance above mentioned, authorizing and directing the said three Commissioners to receive and examine all claims of the individual States against the United States, which should be exhibited to them before the 1st day of July, 1791; the powers of which Commissioners were, on the 23d day of January, 1792, extended to the 1st day of July, 1793; since which, they have settled the said claims, and their settlement has received the approbation and sanction of Congress—in which the State of Georgia is found to be a creditor State, to the amount of ——— dollars.

On the 18th day of May, 1785, John Pierce, Commissioner of Army Accounts, gave a certificate that, in the final settlement made by him of the accounts of pay and commutation of the officers of the Georgia line, he found the State had paid their officers for sums due prior to August 1st, 1780, and from that time up to, and including the year 1783, and including commutation, the sum of \$123,283 70; for which payments the said State was to have credit in the account with the United States, agreeably to the resolution of Congress of June 1st, 1784.

The State of Georgia has attempted to obtain interest on this certificate, both before and since the act passed the 4th August, 1790, and have been refused.

On the 9th day of April, 1791, an explicit refusal, in writing, was given by the then Secretary of the Treasury, alleging that the sum of this certificate was already passed to the credit of the State of Georgia, in the books of the Pay Office, and that it would be included in the statement of the General Board of Commissioners, and could not be funded by the aforesaid act of the 4th of August, 1790.

This decision was not satisfactory to the State of Georgia, and on the 12th day of April, 1792, they presented a memorial to the House of Representatives, praying that separate final settlement certificates might issue for the certificate mentioned above; which was referred to the Secretary of War, but no report was ever

made upon it, and the memorial is said to have been lost or mislaid.

On the 9th of April, 1794, the memorial now under consideration was presented, and referred to the Secretary of the Treasury; and on the 5th of January, 1795, returned without any report; and on the 10th December, 1795, referred to the Committee of Claims.

The committee are of opinion that this certificate of \$123,283 70 was not presented to the Commissioners who settled the accounts of the individual States with the United States, nor by them allowed. This opinion they derive from the circumstance of the original certificate being now in the hands of the agent of the State, which, if allowed, must have been reserved by the Commissioners; and by a certificate of Patrick Ferrall, who was principal clerk to the said Board of Commissioners.

It seems, by this last certificate, that Mr. John Wereat, Agent for the State of Georgia, had in his possession the certificate of Mr. Pierce, aforesaid, but claimed that it was a final settlement with the United States, and just claim against them by the State of Georgia, as assignee to the officers; and would not lay it before the Commissioners.

The committee are clearly of opinion, this certificate ought not to be considered as a final settlement certificate, for the purpose of being funded on the act of August 4th, 1790, but that the claim was regularly to have been laid before the aforesaid Board of Commissioners, and a good claim against the United States in the general settlement. Had Mr. Pierce not interfered in this business, and had he not given a certificate, the claim would have indisputably come under the resolution of Congress of June 1st, 1784; and his interference does not alter the nature of the claim, as he expressly grounds it on the same resolution; which circumstance must remove all doubt on the subject.

The Secretary of the Treasury decided upon the request for interest, or to loan this certificate, seasonably for the exhibition of the claim to the Board of Commissioners; but the State of Georgia suffered the limitation to bar them, and did not even petition Congress until long after they were barred.

A strict adherence to the limitation in this case, appears to the committee of the utmost importance, as allowance of this claim would now, in effect, destroy the equality and defeat the propriety of the settlement made by the said Board of Commissioners: they are therefore of opinion that the prayer of the petitioner ought not to be granted.

Mr. MILLEDGE said that, although the Committee of Claims had supposed this claim was barred by that committee, yet he thought it clearly was not. It was a Continental debt, properly founded on a certificate which it could not be doubted was good. Five years they were in possession of that certificate. In May, 1787, he said, Congress passed a law to establish three Commissioners to examine into the claims and debts of the States. Georgia had claims against the Union, but she kept back \$1,230,000, lest she should be considered a creditor State. He said Georgia had suffered more than any other State during the war, being the Southern outpost or picket. The most numerous tribes of savages were continually on her frontiers, and she was obliged to be perpetually in arms; therefore the hand of the United States ought to deal tenderly towards her; they ought to strengthen

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her, instead of oppressing her, by withholding from her a just claim. A general adjustment took place in 1785, on uniform and equitable principles; then, how this came to be barred, he could no way account.

On the 9th of April, 1791, the late Secretary of the Treasury (Mr. Hamilton) wrote to them that this account was passed to the account of Georgia, and would be included in the settlement of the General Board of Commissioners. This was three months previous to the settlement at that Board. In six months after this, or three months after the final settlement, we get information that we are deprived of that settlement which we expected to receive as unquestionably our just due. This certificate, which specified our claim, was not admitted into the account. Now, from this representation, which is incontrovertibly just, could it be conceived, said Mr M., that such a report against the claim should be returned? He must conceive that there was much justice in the claim.

Mr. BALDWIN enlarged, in explanation, somewhat on the observations of his colleague. After repeating the advice given by Mr. Hamilton on the subject, he went on to explain that a Mr. Pierce, Commissioner of Army Accounts, was despatched from the General Government to settle the arrears of the troops in the Southern States; that, owing to a number of circumstances, and none so much as the great distance of Georgia, three years had elapsed before he reached them. The Army became very impatient and solicitous for their pay. After repeated applications and apprehensions, the State ordered the Treasurer to advance money to quiet their murmurs. It was done, not doubting but that the Commissioner would soon arrive, and repay the State. At the time before-mentioned, Mr. Pierce arrived. Every one knows the scarcity of money at that time; and it was also as well known that this John Pierce's certificates were as good as cash: it was only necessary to believe them genuine, and they freely passed for cash. Mr. Pierce did not know what to do, as the money had been paid. However, at length, to prevent a number of items, and making out settlements to a number of names, he gave a general certificate of the whole sum on one piece of paper. There was no doubt of that paper. It was only necessary to prove it was the real liquidated certificate of John Pierce, and it became current, if real. Mr. B. did believe that it could have been funded. There could be no objection, the paper of Mr. Pierce was then so unobjectionable. The funding law admitted those certificates to be paid in, and this was in no respect different from other certificates issued by John Pierce.

We wrote to the Secretary of the Treasury. He considered the notes of the same value we took them to be, and wrote us everything was well.—the sum was already passed to the credit of the State—and that it would be included in the statement of the Board of Commissioners. In July, when their agent came to Georgia, it was found that this was not the case; and it was then past hopes, the Board having risen. It was therefore alleged to this misinformation that the claim was

not given in at the Board. We placed every possible dependence on the advice of that Department, whose direction we considered as certain. If the Secretary of the Treasury had said that the claim could not be considered as liquidated, but must be given in to the Commissioners, or it could not be allowed if it had not then been delivered, we should have had no excuse; but from this source of direction it must have been thought sufficient. It was therefore but just, in this situation of things, that the claim should be allowed.

Mr. W. SMITH, from attending to the facts stated by the members from Georgia, and the statement and report of the committee, was convinced of this important fact: that this was not a certificate given by Mr. Pierce to an individual, but to a State. As such, it ought to have been brought forward at the general settlement of the States' accounts. Mr. Gibbons did not stand himself as a creditor, but the State; and now Mr. Gibbons comes forward with this claim under another appearance—an individual. No, Mr. S. said, he must consider it still as the State: in this view it must be considered. The State thus chose to assume the debt, and become the creditor of the United States; and, from that consideration, she ought to have come in with the others to have had the settlement. Why, then, did she not come forward at that time? Mr. S. supposed it was because it would be more to her advantage to have the certificate funded. They had either to bring it forward to the Board, and lose the chance of funding it, or run the risk; they chose the latter. And can they now blame the United States, after it was declared that no State claims should be granted after the limitation by the Board of Settlement? Can they now, said Mr. S., except this claim, because they chose to run a hazard of losing that opportunity with a view of more profit? No. Were this allowed, claims would soon pour in from other States for accounts pretended to be unsettled. Mr. S. then proceeded to justify the Secretary of the Treasury from the charge of misjudgment in the case. All other States, he said, would have been in the same situation, had they not fairly brought forward their claims to the general settlement. South Carolina had some millions of dollars to put into the general account, which she fairly did, and never pretended to fund it. He thought other States had equal claim, if this was allowed.

Mr. COIT spoke at some length against allowing the claim, as he had every reason to believe, from a strict examination of the papers and circumstances attending them, that the State had been allowed the amount of their claim; to which, Mr. BALDWIN returned an explanatory answer.

Mr. D. FOSTER said, if gentlemen would examine the papers, there was no ground for supposing the Secretary of the Treasury in an error.

Mr. J. SMITH made some remarks similar to those of Mr. COIT, to whom Mr. GALLATIN answered, in favor of the claim. He thought the case appeared clearly a claim founded on substantial justice, and ought to be granted.

Mr. J. SMITH again spoke, to whom Mr. NICOLAS made reply.

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Mr. W. SMITH did not think the evidence in favor of the claim sufficient to admit it.

The Committee rose, reported progress, and obtained leave to sit again.

M. POIREY.

Mr. MADISON, from the committee to whom it was referred to bring in a bill for making provision for the satisfaction of the claim of M. Poirey, Secretary and Aid-de-camp of General Lafayette, reported a bill; which was twice read, and ordered to be committed to a Committee of the Whole tomorrow.

Mr. LIVINGSTON said he had a proposition to make relative to the communication yesterday received from the PRESIDENT OF THE UNITED STATES, and therefore moved that the House and galleries might be cleared.

They were cleared accordingly; and, soon-after, the House adjourned.

WEDNESDAY, January 11.

RICHARD WINN, from South Carolina, appeared and took his seat.

BOARD OF AGRICULTURE.

Mr. SWIFT, from the committee to whom was referred that part of the PRESIDENT'S Speech relative to the promotion of agriculture, made a report, recommending the institution of a society for that purpose, under the patronage of Government, which might act as a common centre to all other societies of a similar kind throughout the United States. No public provision is contemplated except for the salary of a Secretary and for stationery; but if the state of the Treasury should make even this unadvisable, it is stated it might be carried into effect without pecuniary aid. The report is accompanied by a plan, the principal articles of which are, that a society shall be established at the Seat of Government; that it shall comprehend the Legislature of the United States, the Judges, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney General, and such other persons as should choose to become members agreeably to the rules prescribed; that an annual meeting should be held at the Seat of Government, at which is to be chosen the President, Secretary, &c., and a Board, to consist of not more than thirty persons, which shall be called "A Board of Agriculture;" that the society shall be a body corporate; that a report shall be made annually, &c. The report concluded with a resolution in these words:

"Resolved, That a society for the promotion of Agriculture ought to be established at the Seat of Government of the United States."

The report was twice read, and ordered to be committed to a Committee of the Whole on Monday next.

GILBERT DENCH.

On motion of Mr. W. LYMAN, the unfinished business of yesterday was postponed, in order to take up the report of the Committee of Claims

on the petition of Gilbert Dench. The House accordingly went into a Committee of the Whole on that subject, when the report, which was as follows, was read:

"That, it appears by the statement of the petitioner, and is proved by the documents which accompany his petition, that in the year 1781 he contracted with Jabez Hatch, then Deputy Quartermaster General, to transport clothing, &c. for the United States; and, in 1782, he made another contract with the same officer, to transport military stores for the United States, which two contracts were both faithfully performed by him. The first contract was made for certificates, and paid according to the terms of it; the second contract, to the amount of more than \$20,000, was made for specie, and, when it became due to the petitioner, the said Hatch had not cash to fulfil the contract on the part of the United States. Application was made to the Commonwealth of Massachusetts, and a loan obtained in certificates or orders, in anticipation of the Continental taxes, then in collection. Having obtained these orders or certificates, the said Jabez Hatch paid the same to the petitioner in satisfaction of the contract, and he gave a receipt in full, as having received specie nominally. This loan was soon after reimbursed in the Treasury of Massachusetts, by an order from the Superintendent of Finance for the United States.

"The committee find that those certificates, issued in anticipation of the taxes, like other public paper at that time, passed at a discount, and that the petitioner suffered by their depreciation. They are, however, of opinion that at this time to undertake to redress the injuries sustained by individuals in the depreciation of public paper during the late war, would be productive of greater evils than any possible advantages resulting from the attempt could compensate.

"The petitioner has heretofore brought this subject under the view of Congress, who, after a full investigation, resolved that the prayer of this petition ought not to be granted. Though the committee are sorry for the misfortunes of Mr. Dench, they cannot find sufficient reasons to justify an opinion that the House should now make a different decision; and, therefore, report, that he have leave to withdraw his petition."

Mr. THATCHER said, that he hoped the Committee would not approve such a report. They had been afraid that an agreement to it would make the door open for many others. He had contracted for specie; he had been paid in depreciated paper; he ought to have the difference made good. Mr. T. desired that the account given in by Mr. Dench might be read. This was done.

Mr. MACON differed entirely from Mr. THATCHER. Mr. Dench had granted a receipt as for so much specie. The committee had only to look at the facts. The matter was closed; Mr. Dench could have no claim. If there was any reference it should be to the State of Massachusetts, whose paper had depreciated.

Mr. VARNUM vindicated the claim of Mr. Dench. The individual State had no concern in repairing the depreciation. It was the United States, with whom the petitioner contracted, that ought to make good his loss.

Mr. SPRIGG thought that, by consenting to the request, there would be a derangement of precedents. He looked on the case of Captain Harris,

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decided but a few days ago, as much stronger than that of Mr. Dench. Mr. Harris was to have been paid in specie, but he did not receive it. The Treasury said to him, "You shall receive nothing but depreciated paper." There were many such cases. The present petitioner says that he was compelled to sell his certificates. Wherein does this differ from the case of Mr. Harris? Mr. S. could see nothing in the two cases to warrant a different decision.

Mr. MADISON said, that if any gain or saving had been made in this transaction it was by the State of Massachusetts. The United States had once paid the money. If a method could be pointed out of sharing the loss equally between them, he confessed that, for his part, he would approve of it.

Mr. DEARBORN thought that this case was materially different from Harris's. Dench contracted for specie, and was paid with paper. He was under a necessity of getting paper in order to pay the people whom he had engaged, and who were calling on him by hundreds. As for Mr. Harris, every officer in the Army was forced to accept of depreciated paper. He was no worse than others. This bargain was made expressly and exclusively for specie, at a time when paper would not be taken.

Mr. J. SMITH said, that Dench had been badly used, but innumerable other cases were much worse. Mr. Dench suffered no more than others who took depreciated paper instead of specie. He was obliged to sell his certificates before they were due; but the citizens of Massachusetts actually paid in real specie the tax of which these certificates were partly in anticipation. Mr. S. said that the House were every day rejecting claims more equitable than this one. He was almost going to have said that, in point of equity, it was much less strong than any other claim which they had met with.

Mr. WILLIAMS was against the prayer of the petition. The United States had paid the money. The complying with this demand would open the door to numbers with this principle in their view.

Mr. LIVINGSTON thought this case in a peculiar situation. The payment was made in depreciated paper. By this the United States gained nothing. One-half or so had been lost to the petitioner, and it must have been gained by somebody. To whom, then, was the creditor to look for reimbursement? Massachusetts stood in the situation of a person receiving money without authority to do so. Members from that State did well to advocate the payment of the balance to Mr. Dench. The transaction was disgraceful; it ought not to come abroad to the world. He thought that Dench should be satisfied by Massachusetts.

Messrs. VARNUM, THATCHER, and SEWALL, rose successively in reply to Mr. LIVINGSTON. They insisted that he had mistaken and misstated the case, as Massachusetts had gained nothing by the depreciation.

Mr. SEWALL said that urgency of the service of the United States was the cause of the

anticipation. This produced the depreciation; it is well known what a man suffers by anticipating his revenue. The necessity was originated, and the consequences ought to be supported by the United States.

Mr. HARPER said, that Mr. LIVINGSTON had represented the case as branching into two points: Ought the petitioner to be paid, and, if so, who ought to pay him? The first point the gentleman had passed over. This Mr. H. would take up. Mr. Dench was under no compulsion to sell his certificates until they became due, when he would have got full payment. He chose to go on, as the lesser of two evils. Perhaps there was not a single man, having any dealings with the United States, who had not been in the very same situation. Mr. H. was sorry that the petitioner should have been so treated, but he could not, for his life, conceive what gentlemen meant by calling his case a peculiar one. Mr. H. could quote cases by thousands which had been refused, and which were more entitled to the compassion, to the attention, he would not say to the justice, of the House. We had nothing to do in this case in particular, after finding it necessary to establish some great principle which would comprehend the whole.

Mr. W. LYMAN would not agree to the report of the Committee of Claims. The petitioner never could be paid by Massachusetts, which had already borne her full share. It was well known what very great dependence was placed upon that State. At one time more than one-half of the troops in the Continental Army belonged to it. The daily food of the inhabitants, and almost every thing else, was often in a state of requisition.

Mr. PRESTON was against the report of the committee. Who was bound to bear the loss? He did not think that it would be Massachusetts. It would be very unjust to make the petitioner a loser. It could, therefore, fall only on the United States. This might be deemed inexpedient, as opening a wide door. Mr. P. could not help this, nor bring himself to vote for the report on the table.

Mr. VENABLE said, that hundreds of cases, admitted to be just, and which had been laid on the table, were refused rather than the statute of limitations should be broken. He wondered why this thing had been brought forward.

Mr. THATCHER denied again that Massachusetts gained any thing by this depreciation. Mr. Dench was obliged to anticipate when three hundred people were daily calling on him for money on account of his contract. The case of Captain Harris was quite different. He did not call for the money when he might have had it, and every officer was in the habit of accepting money at the depreciation as well as he.

Mr. POTTER denied that there was any peculiarity in the case. Mr. Dench was exactly in the same situation with many others.

Mr. CHRISTIE thought that the introduction of this claim, just after that of Harris's had been rejected, was the most extraordinary thing in the world. He said that cases in that House were

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apt to have merit according to the coldness of the climate from which they came. In the affair of Captain Harris, not one farthing was to be got. To say that they would pay Dench to the full, when officers had been selling their certificates at a shilling per pound, was the merest farce in nature. Why, in the name of common sense, was this petitioner singled out? He never could see the merit which this petition had, unless that sort which he had named already. There was not in the case of Dench one-tenth part of the merit which many others had that the House rejected.

Mr. DAYTON concurred in the report of the select committee. There was nothing more in this instance than in many others. It would be letting in a flood of claims.

After a long debate the question on agreeing to the report of the Committee of Claims was put and carried. The Committee rose and the House confirmed the agreement.

A bill was received from the Senate for repealing the limitation of the act in addition to an act for the punishment of certain crimes against the United States, and to continue in force the same. It was twice read, and ordered to be committed to a Committee of the Whole on Monday.

M. POIREY.

Mr. MADISON called for the order of the day on the bill for making provision for the claim of Monsieur Poirey, as Secretary and Aid-de-camp to Major General Lafayette.

The House accordingly went into a Committee of the Whole on the subject, and rose and reported the bill without amendment. The House then took it up; when

Mr. DEARBORN said, he was not present when this business had before been under discussion. He hoped that all claims intended to have been taken out of the statute of limitation would have been referred to the Committee of Claims, and proceeded with regularly. He did not admire the taking of them out in this way. There were many cases of soldiers and sailors, who, from certain circumstances, had been prevented from making their claims in time; and, as long as there were many cases of this kind unattended to, he should be against taking up cases like the present separately.

Mr. WILLIAMS wished to know whether this officer acted in two capacities or one? He thought no officer ought to be considered in two.

Mr. SWANWICK said, the House had considered this officer's case as totally different from that of any other, as he never intended to have made any claim, but to have followed the example of his General. Having, like him, however, been overtaken by misfortune, he claimed also the bounty of the United States. It was on this account that the bill was brought in. As to whether he should be considered in one or two capacities, was not now the question. He doubted not the Accountant of the War Department would take care of that.

Mr. MADISON observed, that if he saw any danger from the precedent of making this provision, he should not be for it; but he believed the precedent

could not be extended to any other case. This officer, he had learned, would have been put on the foreign list had it not been that he was so wrapped up in the conduct of his General, as to consider it indelicate to receive any payment. He relied upon the prosperous fortune of General Lafayette for recompense. This had failed him. If, said Mr. M., anything could afford comfort to the General in his present unfortunate confinement, it would doubtless be to find that the United States had extended their liberality to the relief of his faithful servant.

Mr. DEARBORN said, he had no objection to their doing something for this gentleman; but he did not see why they should allow him, from generosity, what they refused to others on the ground of justice. It was a common saying, "we should be just before we are generous," and he thought it would be dishonorable and unjust to allow relief in this case, and refuse it to our own deserving citizens, whose claims were at least equally strong.

Mr. HARTLEY spoke in favor of the claim.

Mr. SWANWICK said, justice and generosity were both combined in this case. This gentleman being a foreigner, he did not stand on the same ground with our own citizens, who, though they might have suffered equally in the service, were now, in common with their fellow-citizens, reaping the fruits of their labors. To grant relief in this case, as had been observed by the gentleman from Virginia, would afford a degree of consolation to the mind of the unfortunate General in the gloom of his dungeon; but, on the contrary, if it were refused, it would doubtless give him a painful wound.

Mr. MADISON said, when he was up before, he had omitted to answer the question of the gentleman from New York. It did not appear clear, he said, what part of the time M. Poirey was Secretary, and what part Aid-de-camp; they had chosen, therefore, to insert both characters. He would, of course, be allowed according to his services.

Mr. WILLIAMS doubted the propriety of expressing it; nor did he approve of this way of requiring this officer. He thought they were going contrary to the limitation act; he thought it would have been better to have allowed him a certain sum as a gratuity.

Mr. COOPER was in favor of the bill, because he thought the services of General Lafayette ought never to be eradicated from the minds of Americans.

The question was put and carried, and the bill was ordered to be engrossed for a third reading to-morrow.

THURSDAY, January 12.

MITIGATION OF PENALTIES.

Mr. COIT said, it was necessary that some alterations should be made in the act providing for the mitigation of penalties in certain cases under the revenue laws, different constructions having been put upon it by the officers of the Treasury.

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John Gibbons.

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He, therefore, proposed a resolution to the following effect; which was agreed to.

"Resolved, That the Committee of Commerce and Manufactures be directed to inquire whether any, and if any, what alterations ought to be made in the act providing for the mitigation of penalties incurred under the revenue laws, in certain cases therein mentioned, and to report by bill or otherwise."

JOHN GIBBONS.

The House then went into a Committee of the Whole on the report of the Committee of Claims, as to the petition of John Gibbons.

Mr. MILLEDGE said, that a member from Connecticut had asked what was become of the account mentioned in the certificate? It was said that it had been carried into the general account. Mr. M. had now got the original account, with the original certificate, as given by Mr. Pierce, at the bottom of it. The Committee had only this report from the Committee of Claims to look to. The diligence of their late chairman (Mr. TRACY, now of the Senate,) was well known. They had hence, on this account, no further information to look for. It was now clearly proved, by the production of this paper, that Georgia had not been paid; that the debt was due by the United States. He regarded the certificate as obviating every objection.

Mr. BALDWIN attacked the report of the Committee of Claims. If it had not been entirely against probability he would have been one of the last men in the world to oppose it. The task was extremely painful. None of the gentlemen of the committee had even said that it was probable that Georgia had received payment. The report was superficial. Could they not have taken pains to determine whether the fact was that Georgia had been paid or otherwise? Their report does not say that such payment has been made. The defence of the report occupied a different ground from the report itself.

Mr. POTTER said, that every State in the Union could show such things that had never been presented. It would lead to an endless perplexity if the precedent was adopted. He gave an instance in the State from whence he came, (Rhode Island.) There were two or three brigades of which neither officers nor men were paid. In the hurry and confusion of public business this was not brought forward at the proper time, and they had now dropped all thought of doing so.

Mr. W. LYMAN said that the subject resolved itself into two points: Whether Georgia had been paid, and whether she ought to be paid? As for the first, he thought that better evidence might be had from the Commissioners themselves than any yet given. As to the second, if it was proper that Georgia should be paid, he did not think this a proper time. Not being prepared on the subject, he should, if seconded, move that the Committee do rise. He wished the report not to be negatived but postponed. The motion was not seconded.

Mr. DAYTON was against the Committee rising. He denied that this certificate was of any conse-

quence in establishing the claim. He would be for the Committee rising, if he did not think that Georgia had been already accounted with for it: this not being produced to the Board of Commissioners as was to be expected, it was not a final settlement certificate. If it was so, the fact ought to be proved, and it should have been funded. This was only a temporary certificate, like some which Mr. D. himself still had, since 1776, when he was a Paymaster. At a final settlement between a general and regimental Paymaster, they were not thought necessary to be delivered up. This was a paper of that kind.

Mr. BALDWIN said, by the report of the Committee of Claims, it had been confirmed, in his opinion, that the State of Georgia never had been satisfied.

Mr. SWIFT looked upon the conduct of Georgia unfavorably. He hinted that he thought the whole merely a scheme to get one hundred and twenty-three thousand dollars from the United States. Georgia never could consider Pierce's certificate as a final settlement certificate, but merely as a paper proper to be produced to the Commissioners. This the State did not choose to do. It was their duty to have done so. They had no reason to have called upon the Secretary for any purpose, about getting it funded. The very face of the paper showed that it was not of that kind. They chose to keep it back, when it really ought to have come forward, viz: to the Commissioners of Public Accounts. He was firmly of opinion that it had already been paid, and why the State had chosen formerly to keep it back, and now to bring it up, they best knew. If the act of limitation, by which the claim was debarred, should be opened, there would be an endless matter. That act was the palladium of our freedom.

Mr. NICHOLAS was as unwilling as any man to lay unnecessary burdens on the United States. He was, however, disposed to think favorably of this claim. He advanced a variety of reasons in defence of his opinion. He wished, at any rate, that the point might be more fully examined, to satisfy the State of Georgia that due attention had been paid to their demand.

Mr. BALDWIN wished to refer it back to the Committee of Claims. For this purpose he should move that the Committee of the Whole do rise.

If the Committee would be willing to take it back again, they would doubtless find it in a different form from what they had conceived. If he could conceive that there was good ground for the report, he should be the last to oppose it. He would not wish even the State he came from to receive money unjustly, to the injury of the General Government, but he really thought the Committee, in their investigation, had gone the wrong road. He wished the House to have better information on the subject, and not to be led to a wrong determination without due attention.

Mr. D. FOSTER said, all the facts that were in the power of the Committee of Claims to state, were now before the Committee of the Whole

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in the report; he saw no advantage whatever from recommitting it, and, therefore, should oppose it.

Mr. WILLIAMS would be willing it should be recommitteed, if it was probable the Committee could form a fresh report. If Georgia had not been paid this amount, he thought it but just they should. But whether they were justly freed from the power of the act of limitation, he could not say.

Mr. DAYTON said, it appeared, from observations made, that there was a credit passed on the books of the State of Georgia to the United States for this sum. Now, he observed, it was usual amongst merchants and tradesmen when payment was made of a debt on book, that a bond was delivered up or receipt given, as an evidence, which was always conclusive of the settlement of such account. Mr. D. said, there did not appear any such evidence to support the present claim. It had been said that the Clerk of the Board knew the settlement was never made; but, he said, neither the Clerk nor the Commissioners themselves, could give him satisfaction on the subject, particularly as he found it depended on the memory of that evidence: he might be a good man, and yet his memory fail of that accuracy which was right in such a case as this. He thought it very proper that good testimonials should be presented, or the claim was to all intents invalidated.

Mr. NICHOLAS thought that every objection he had heard to this claim, was upon a different ground than that which the Committee took. What had been said was, that Georgia got credit upon the original receipt of this certificate. Mr. N. thought this not improper, and he hoped gentlemen would not be against application to all the facts in evidence which could be procured. For his own part, he must think the claim fair.

After a considerable discussion, the Committee rose, and asked leave to sit again.

Mr. BALDWIN hoped the Committee would not have leave to sit again, because the subject ought to go back to the Committee of Claims; which was also advocated by Mr. CORR.

It was observed by a member, that it would be improper to give trouble to the Committee of Claims, when they could obtain no new information; and the facts having been clearly stated, the House could judge on the subject.

The question was then put, "Shall the Committee of the Whole have leave to sit again?" and carried—ayes 44, noes 35.

ADDITIONAL REVENUE.

Mr. W. SMITH then called for the order of the day on the report of the Committee of Ways and Means, on the subject of further revenues, when the following resolutions were read, as reported:

"Resolved, That there ought to be apportioned, according to the last census, on the several States, the sum of —, to be raised by the following direct taxes, viz:

"A tax ad valorem, under proper regulations and exceptions, on all lands, with their improvements, including town lots, with the buildings thereon.

"A tax on slaves, with certain exceptions."

Agreeably to this plan of a direct tax of one million four hundred and eighty-four thousand dollars, to be laid upon the United States, the apportionment of the several States is as follows:

To the State of Vermont	-	-	\$28,000
New Hampshire	-	-	56,000
Massachusetts	-	-	196,000
Rhode Island	-	-	28,000
Connecticut	-	-	98,000
New York	-	-	140,000
New Jersey	-	-	70,000
Pennsylvania	-	-	182,000
Delaware	-	-	14,000
Maryland	-	-	112,000
Virginia	-	-	266,000
Kentucky	-	-	28,000
North Carolina	-	-	140,000
Tennessee	-	-	14,000
South Carolina	-	-	84,000
Georgia	-	-	28,000

Amounting to - 1,484,000

From which there being deducted for abatements, erroneous assessments, and charges of collections, fifteen per cent., or - 222,000

There will remain the estimated nett proceeds of the proposed tax, being - 1,262,000

Mr. W. SMITH said, two questions presented themselves on this occasion; the first, whether any, and what further revenue was wanted? and secondly, what means shall be used for raising it? With respect to the first, any gentleman who had taken a view of our engagements and revenue, would not hesitate to say, a further provision was necessary. In order to evince this, however, it might not be improper to take a view of our public contracts and revenue. They had before them, he said, the report of the Secretary of the Treasury on the subject, which not only contained a state of our finances, but of the different revenue laws of the different States and other materials necessary to be known in order to form a system of direct taxation for the whole Union. Mr. S. proposed, therefore, to give as brief an abstract as possible of the state of our revenue, on the first of July last. He then entered upon the following statement:

- 1st. The Foreign Debt; consisting of loans obtained by the late and present Government, in Amsterdam and Antwerp, amounting to twenty-nine millions five hundred thousand guilders; equal, at forty cents per guilder, to - \$11,800,000 00
- 2d. The six per cent. Domestic stock now in a course of reimbursement, 29,344,752 98
- 3d. The six per cent. Domestic stock upon which reimbursements are to commence in the year 1801 - 14,578,882 39
- 4th. The three per cent. Domestic stock, 19,597,545 93
- 5th. The five and a-half per cent. Domestic stock - 1,848,900 00
- 6th. The four and a-half per cent. Domestic stock - 176,000 00
- 7th. The unfunded registered debt, exclusive of arrearages of interest prior to the year 1791 - 179,953 16

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8th. The debts due to the Bank of the United States, and the Bank of New York - - - - - 6,200,000 00

The sums before enumerated are precisely ascertained by the records of the Treasury, and amounting to 83,726,034 46

There are however in circulation various descriptions of certificates, the amount and value of which are not exactly ascertained, which, with the balances of certain unliquidated accounts and arrearages of interest, may possibly rise to - - - - - 1,124,404 24

The entire amount of all those capitals upon which no expenditure is incurred, and for which provision is necessary, may therefore be estimated at 84,850,438 70

To reconcile this representation with reports heretofore made from the real amount of the Public Debt, it appears proper to represent that the following sums are indisputable offsets against the capitals before enumerated:

1st. Six per cent. stock bearing a present interest, already purchased or redeemed, and vested in the Commissioners of the Sinking Fund - 1,170,232, 13

2d. Six per cent. stock on which interest will accrue after the year 1800, 930,753 91

3d. Three per cent. stock also purchased or redeemed - - - - - 610,757 94

4th. Stock of the Bank of the United States, sold by the United States, estimated at par - - - - - 2,000,000 00

5th. The sum reimbursed at the close of the year 1795, on the six per cent. stock, - - - - - 544,066 54

Amounting in the whole to \$5,255,810 52

Payments annually required by Contracts.

1st. Foreign Debt.—The contracts respecting the Foreign Debt require annual reimbursements by unequal payments until 1809, when the last payment is to be made.

The whole sum, including principal and interest - - - - - \$16,772,444 00

The average sum, annually requisite for the Foreign Debt, during the fourteen years, which is to continue, is - 1,197,888 81

This calculation, however, supposes the practicability of such a punctual provision for the payment of interest, and principal, as will entirely supersede the use of temporary credits in Europe; and it moreover supposes that remittances can be uniformly made at the par of exchange. As neither of these suppositions will be in fact realized, there is to be added to the foregoing sum the estimated expense of remittances above par, and for interest on temporary advance to the United States, to insure punctuality; this expense will not probably be less

than five per centum on the annual payments, and being calculated on the average annual demand above stated, will at this rate amount to 59,537 30

\$1,257,426 14

Upon the principles herein assumed, the average sum to be provided until the year 1809, inclusive, for the extinguishment of the Dutch Debt, will be one million two hundred and fifty-seven thousand four hundred and twenty-six dollars and fourteen cents.

It is proper, however, to state, that the foregoing estimate is founded on a presumption that some systematical plan will be adopted for satisfying the existing contracts, by direct payments from the Treasury. In every degree in which recourse may be had to new loans, the expense of reimbursement will be finally increased by at least the charges of negotiation; these, upon such loans as may be hereafter obtained in Holland, cannot be estimated at less than six or seven per centum, upon the capitals which may be borrowed.

2d. The six per cent. stock now in a course of reimbursement, exclusive of the sum passed to the credit of the Sinking Fund, is twenty-eight millions one hundred and seventy-four thousand five hundred and twenty dollars, eighty-five cents, upon which the annuity of eight per centum amounts to \$2,253,961 66

The capital passed to the credit of the Sinking Fund, is one million one hundred and seventy thousand two hundred and thirty-two dollars, thirteen cents, upon which the accruing interest of six per centum per annum, is 70,213 92

Amounting to \$2,324,175 58

This sum, last mentioned, will be annually required until the close of the year 1817. During the year 1818, the demand for the object will decline to about one million eight hundred and sixty-five thousand dollars, and will then cease by the extinguishment of the debt.

3d. The six per cent. stock on which reimbursements will commence in the year 1801, amounted, on the first of July, 1796, to thirteen millions six hundred and forty-eight thousand one hundred and twenty-eight dollars, forty-eight cents, exclusive of nine hundred and thirty thousand seven hundred and fifty-three dollars, ninety-one cents, passed to the credit of the Sinking Fund. The annuity on the first sum, at eight per centum, amounts to \$1,091,850 28

And on the latter sum, at six per centum, to 55,845 13

Being together - - - \$1,147,695 51

Which last sum will be required from the year 1801, to the year 1823, inclusive. During the year 1824, the charge will be reduced to about nine hundred and twenty-five thousand dollars;

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and after that period will wholly cease with the reimbursement of the debt.

4th. The funded three per cent. stock, exclusive of the credit to the Sinking Fund, amounts to eighteen millions nine hundred and eighty-six thousand seven hundred and eighty-seven dollars, ninety-nine cents; on which the annual interest is \$569,603 63

The stock of the Sinking Fund is six hundred and ten thousand seven hundred and fifty-seven dollars, ninety-four cents: and the interest thereon 18,322 73

Amounting to \$587,916 36

The duration of this annuity may be considered as indefinite, for though funds for the redemption of the capital stock are eventually appropriated by the act, entitled "An act making further provision for the support of the Public Credit, and for the redemption of the Public Debt"—yet, by a proviso to the twelfth section of the said act, the power of diverting the appropriation to other objects, is reserved to the Government.

5th. The interest on the stock bearing interest at five and a-half per centum per annum (being one million eight hundred and forty-eight thousand nine hundred dollars) will require one hundred and one thousand six hundred and eighty-nine dollars, fifty cents.

6th. The interest on the stock bearing interest at four and a-half per centum, being one hundred and seventy-six thousand dollars, will be annually seven thousand nine hundred and twenty dollars.

7th. The unfunded debt is of two descriptions, viz:

That which is registered, being \$179,953 16
And that not registered, estimated at 1,124,404 24

Amounting to \$1,304,347 40

For this debt no provision has been made by law, except a partial grant from year to year, on account of interest. So far as the debt has been liquidated, the public are bound by contract, to pay an interest of six per centum per annum. Similar engagements will be expressed in the certificates hereafter to be issued; to discharge which interest, there will be annually required the sum of seventy-eight thousand two hundred and sixty-one dollars, forty-one cents.

8th. The debts due to the Bank of the United States, and Bank of New York, amount to six millions two hundred thousand dollars; though a part of this sum was borrowed at five per centum per annum, yet as the existing contracts are expected to be satisfied from the proceeds of new loans at six per centum, the annuity chargeable upon the revenue, is calculated at this last rate, being three hundred and seventy-two thousand dollars.

The annuities before-recited comprise all the demands which will be made upon the Treasury in consequence of the present debt of the United States; and being reduced to aggregate sums and

classified according to the epochas for which the said annuities are to continue, they will require a provision of revenue as follows:

1st. From the year 1796 to the end of 1800:

For Foreign Debt	-	\$1,257,426 00
six per cent. stock	-	2,324,178 00
three per cent. stock	-	587,926 00
five and a-half per cent. stock	-	101,689 00
four and a-half per cent. stock	-	7,920 00
Unfunded debt	-	78,261 00
Bank debts	-	372,000 00
		<u>\$4,729,397 00</u>

2d. From 1801 to 1809 inclusive, when the Foreign Debt will be extinguished:

For above	-	4,729,398 00
And annuity on deferred debt	-	1,147,695 00
		<u>5,877,093 00</u>

3d. From 1810 to 1818 inclusive, when the six per cent. stock will be extinguished:

For above	-	5,877,094 00
Deduct Foreign Debt	-	1,257,426 00
		<u>4,619,668 00</u>

4th. From 1819 to 1824 inclusive, when the deferred stock will be extinguished:

For above	-	4,619,668 00
Deduct six per cent. stock	-	2,324,175 00
		<u>2,295,493 00</u>

5th. After 1824 supposing the above mentioned debts extinguished, and no increase of debt:

For above	-	2,295,493 00
Deduct deferred stock	-	1,147,695 00
		<u>1,197,798 00</u>

Interest on three per cents. \$587,926 00

five and a-half do.	101,689 00
four and a-half do.	7,920 00
Unfunded Debt	78,261 00
Bank Debts	372,000 00

1,147,796 00

By establishing revenue adequate to current expenses of Government, in addition to the foregoing estimate, during the periods above recited, the following reductions of Debt would be effected:

1. At the close of 1809, the Foreign Debt	-	\$11,800,000 00
2. At the close of the year 1818, the 6 per cent. stock, bearing a present interest	-	29,344,752 98
3. At the close of the year 1824, the deferred 6 per cent. stock	-	14,578,882 39

Amounting together, to \$55,723,635 37

After the reimbursement of the foregoing sums, there would still remain of the present debt—

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1. The 3 per cent. stock, being	- \$19,527,545 93
2. The 5½ per cent. stock	- 1,841,900 00
3. The 4½ per cent. stock	- 176,000 00
4. The unfunded and unliquidated Debts	- 1,304,356 97
5. The Debts due to Banks, or the stocks which may be substituted thereof	- 6,200,000 00
Amounting in the whole, to	- \$29,126,802 90

If, however, the United States can establish a revenue equal to the scale of expenditure which will be necessary in the year 1801, the whole Debt may be extinguished by payment or purchase, on or before the end of the year 1824; as, also, a considerable additional Debt, if such should accrue from future contingencies.

The foregoing calculations being founded on existing contracts, are liable to but little uncertainty; it is necessary, however, to form an estimate of the probable expenses of those establishments which the United States must at all times maintain. On this subject there exists no data from past experience, which afforded a satisfactory ground for an opinion; it is believed, however, that it will be unsafe and deceptive to calculate the current expenses of Government, at less than the following estimate:

For the support of the Civil List	- \$486,000 00
For expenses of intercourse with foreign nations	- 100,000 00
For the Mint Establishment	- 40,000 00
For light-houses	- 25,000 00
For expenses of the Loan Offices	- 22,000 00
For miscellaneous objects and contingent expenses of Government	- 37,000 00
For the Military and Naval departments, including pensions	- 2,000,000 00

Amounting in the whole, annually, to \$2,700,000 00

If it shall be found that the expenses of the Military and Naval departments cannot be reduced below the above estimate, which, though much to be desired, is far from certain, the foregoing calculation will fall short of the real expenses; it being morally certain that the expenses of Civil Government will hereafter considerably increase.

Assuming it, however, as a principle, that the expenses of the public establishments will amount to two millions seven hundred thousand dollars, and no more, it follows that, to preserve the United States from the necessity of recurring to future Loans, it is requisite to establish a revenue to continue until the close of the year 1800, of seven millions four hundred and twenty-nine thousand three hundred and ninety-eight dollars and ninety-nine cents. And, from the year 1801 to the year 1809, inclusive, a revenue of eight millions five hundred and seventy-seven thousand and ninety-four dollars and fifty cents.

It is a further consequence of the foregoing data, that though a revenue upon this last scale would be more than sufficient to discharge the whole Pub-

lic Debt, on or before the year 1824, yet, that the absolute engagements of the United States will not require, after the year 1809, more than seven millions three hundred and nineteen thousand six hundred and sixty-eight dollars and thirty-six cents; which last sum is less than the annual expenditure required by existing contracts and arrangements.

Having thus presented a view of the probable expenditures of the United States, it remains to show how far the revenues, already established, afford an adequate resource; the particulars and amount of these revenues, are as follows:

Duties arising on imports and tonnage calculated upon the actual receipts during the year 1795	- \$5,588,961 26
Duties on domestic distilled spirits and on stills, on refined sugar, sales at auction, licenses to retail spirits and wines, and on carriages for the conveyance of persons, calculated upon the receipts of 1795	- 337,255 36
Revenue from the Post Office	- 35,000 00
Dividends on Bank stock, calculated with reference to certain sales, the proceeds of which will be applied to the payment of part of the Debt due the Bank of the United States	- 150,000 00
Interest on stock purchased and re-deemed, and vested in the Sinking Fund	- 886,636 65
Duties on patents and contingent receipts, (uncertain)	- 746 73
Estimated annual current revenue	- \$6,200,600 00

It results that the following sums must be provided, in addition to existing revenue, viz:

1. From the present time to the end of 1800	- \$1,228,798 00
2. From 1801 to the end of 1809	- 2,376,494 00
3. From 1810 to the end of 1823	- 1,119,068 00
	- \$4,724,360 00

To provide sums annually required till 1801, may be done without imposing inconvenient burdens.

To reimburse the whole Foreign Debt, by direct payments before 1824, may be practicable. It is, however probable, that occasional Loans will be advisable, with a view of postponing the final reimbursement of part until after 1818, when the present six per cent. debt will be discharged.

Mr. SMITH said, since Loans could not now be had upon any reasonable terms, there was no way of raising the money wanted, but by taxes upon the people. The question was, what sort of taxes should be resorted to? Members, he said, were divided between direct and indirect taxes; but all were agreed that an additional revenue of one million two hundred thousand dollars being wanted, some effectual steps were necessary to be taken. If indirect taxes had proved insufficient, it was necessary to have recourse to some other;

he knew of no other that would be so effectual as a direct tax on land.

With respect to raising further revenue from commerce, he believed it was not possible to do it to any considerable extent; and this source, he said, was, at best, but a precarious one. If, then, they had tried all other sources without effect, they should be obliged to have recourse to a land tax. And he would submit it to gentlemen whether it was not best to meet the difficulty at once. If, said he, the necessities of Government, the public safety, the credit of the country, require it, it is necessary and proper we should look the evil in the face.

Notwithstanding he delivered this opinion, Mr. S. said, he should be glad to hear the sentiments of gentlemen on the subject, who were in favor of other plans, though he was apprehensive they should be obliged to have recourse to the source he had mentioned.

Indeed, there was one view of the subject which would make such a system desirable, though our necessities did not immediately require it. At present, he said, almost the whole of our revenue arose from commerce, and was liable to be very much deranged by any European war, and to be wholly destroyed; if this country should engage in a war. It were to be wished, therefore, that there should be a plan created, which might, at any time, by a short notice, be carried into effect to an extent which should be equal to the necessities of Government. Nothing would answer this purpose so well as a tax on land. Suppose, he said, the plan was originated with two hundred thousand dollars, having the system open, they could at any time raise it to one or two millions; as, if certain descriptions of land were charged a quarter per cent., they might easily be advanced to one-half, three-quarters, or one per cent., without embarrassment.

Mr. S. said, this subject had been frequently under the consideration of the Committee of Ways and Means, and had always been considered as a subject of great importance, and as attended with considerable difficulties. There had always been a division in that committee on this subject, certain of them wishing to raise the money by indirect, and others by direct taxation, but it had always been found that, when they turned from direct to indirect taxation, so many objections were brought against any plan which was proposed, that there was no possibility of proceeding. In the last session, several objects were proposed, but they were objected to, and abandoned; at length they had determined to resort to a system of direct taxation, and had accordingly given directions to the Secretary of the Treasury to prepare a plan for the purpose. This plan had been reported, and referred to the Committee of Ways and Means; and before that committee chose to go further into the matter, they wished the House to determine upon the principle; afterwards, if a majority should be in favor of direct taxation, the committee would bring in such a bill as should appear to them to be least burdensome to the people. But, if gentlemen were of opinion the money

wanted could be better raised in any other way, they would, of course, propose their plans; but he hoped they should not shift from one thing to another, without fixing on any thing, since the wants of Government must be supplied.

Mr. CORR hoped the resolution would be adopted; not that he wished to pledge himself to agree to any system of direct taxation which might be proposed. He looked upon the agreeing to the resolution as only one step. Whether, eventually, such a plan could be devised as the House should approve, was uncertain; but he should wish to look at the plan which gentlemen had in contemplation.

Mr. HARPER said, if they could look at the plan, as the gentleman from Connecticut [Mr. CORR] had supposed, without pledging themselves to adopt a system of direct taxation, he should also be glad to see it; but, he believed, to adopt the resolution before them, would be to decide upon the principle of direct taxation. Afterwards, all the question would be as to the modification of the system, and the manner in which it should be carried into effect. But, he believed, a majority of that House neither was nor would be prepared to say, this was the most eligible and convenient mode of raising revenue.

It was true that they all knew, they knew it last session, that the money wanted (\$1,200,000 additional revenue) must be raised from the people by means of taxation. The question was only about the mode. The Committee of Ways and Means had given them a resolution of four lines, that direct taxation ought to be laid; but how, or under what modification, or how the difficulties which were acknowledged to exist, were to be got over, they were not told; but they were called upon to determine upon the principle, without any information on the subject. He wished the Committee of Ways and Means might be instructed to give them the data upon which they meant to found their plan; that they might be instructed to show them the means by which this plan was to be effected—how this direct tax was to be collected. They, doubtless, had considered this; but the Committee of the Whole had not considered it; nor had they the materials for going into the investigation. It was his desire that, before they committed themselves, they might know more about the matter than they then knew; that they should have the system before them, and that they might not decide upon the abstract principle, without having that system. He should, therefore, be against the resolution, and move for the Committee to rise, that the report might be recommitted, for the purpose of obtaining a skeleton, in which way they please, of the plan which had been contemplated. He hoped the Committee would be discharged.

Mr. SWANWICK hoped the Committee would not rise, until they had determined upon a question which was of the first importance to this country; a question which it had been well for us if it had been introduced long ago, but which, he trusted, was not now too late to be of essential service. At present produce was falling,

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Additional Revenue.

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and, of course, any tax upon the farmer would not be so well received as if their produce was upon the rise; but, he trusted, the wealth of the country must have become so considerable, from the high price which every agricultural production had long been at, as to enable them very well to support the necessary expenses of Government. These expenses, they knew, must be supplied from one of three sources: either from loans which have heretofore been made in Europe, at great expense of agency, brokerage, commission, &c., or from impost, or by internal revenue, or excise.

Into what situation, he asked, had this loan-making business brought this country? They had created, what seemed to be wished on all hands to be avoided, a foreign influence over this country. It had made us dependent upon what it was not in our power to control—upon every accident which might happen at Amsterdam or Antwerp, and every part of the globe. So far as related to imposts, this source of revenue was exposed to the influence of war, and absolutely dependent upon any foreign Government which might please to annoy us. Was this, he asked, an enviable situation? He thought not. This dependence upon foreign nations was a great disadvantage in all negotiations. With respect to excise, he need not say how unproductive it had been. The article of snuff, instead of producing anything, had brought the revenue in debt; and the excise on another article, had called forth the military to enforce it. For his part he saw no way of avoiding these difficulties, but to come to that cardinal point, which they had now in view, of direct taxation. He should, therefore, be in favor of the resolution before them, because it fixed the principle.

It was necessary, Mr. S. said, to the importance and firmness of Government, to determine whether the land of the country be not equal to bear its share in the expenses of Government. This had hitherto been evaded; but, he trusted, this mass of property would no longer escape from paying its due proportion towards the public burdens. For, when it was known in foreign countries, that all our revenue was bottomed upon our commerce, it was holding out an invitation to them to play off hostilities upon us. Great Britain had taken the lead in annoying our trade, which had brought us to the British Treaty. This had produced great disadvantage to some, though some few might have had a trifling benefit. We were now brought into another situation by that instrument; the French were now laying hold of our commerce.

It was said that Great Britain drew very little support from her land, in comparison to what she drew from her commerce; but she had a fleet to defend her commerce, and therefore, if she drew a great deal from it, she was also at some expense in supporting it. Our trade was unprotected. It was true, we obtained seven million of dollars from it, without being at any expense in return. But there was no certainty of this; it was a mere phantom, it was gone, and without some plan like

the present, there would be no security for supporting the expenses of our Government; nor could any negotiation ever be properly supported, until the yeomanry of our country should join in the support of our common interest. It was absolutely necessary to decide upon one of two principles, either to support commerce by a Navy, and thereby secure the revenue arising from it, or else call upon agriculture to bear its full share of the public burdens. He therefore wished the principle to be settled without regard to modification, because the more simple the light in which the object was placed the better. The modification would properly be an after-business; and, when members had agreed upon the necessity of adopting the principle of a direct tax, their opposition to any particular plans which might be offered would be moderated, so that the best system which could be devised would probably be adopted.

It had been recommended by the PRESIDENT OF THE UNITED STATES, in half a dozen successive communications, that the National Debt should be reduced. This could not be done without the assistance of agriculture; for, whenever the duty on commerce was made extravagant, smuggling was introduced, and the duty, instead of being increased, was lessened. In Britain this had been notoriously the case.

They put a tax on tea, by which smuggling was brought to such an enormous height that they were, after every endeavor, obliged to abandon it.

This, Mr. S. said, was the most important question which was ever brought before that House. He trembled every day when he considered upon what a shadow the revenues of this Government rested—upon what every nation seemed to rob us of: for, added he, all are agreed in one point, however they may disagree in others, viz: to rob and ill-treat us. They were, indeed, invited to do this; for we have no barriers but Treaties, and they are worse than nothing.

Mr. S. said, we had no dependence upon our revenue; at any rate, it has not more than supported our present expenses. Suppose, added he, all the present nations at war, make peace, would there then be no danger of a defalcation of revenue? There could be no doubt of it. So that whether war or peace, no certain dependence could be placed upon our revenue.

Did it not, then, become Government to look to something more substantial than commerce for support? It certainly did. Let us fix upon the principle of a direct tax, and not be deterred at the threshold of the business. To say it was impossible to fix upon such a plan, so as to be generally satisfactory, would be to say we could not do what many other nations had done. It were to make an acknowledgment in the face of the world of our own imbecility.

He would again repeat that it would have been better for this country if the present plan had been adopted sooner. However, as we had lately declared ourselves the most prosperous, the most free and enlightened country in the world, this could not be an improper time for introducing it.

He was rather glad, however, that a degree of necessity had brought the present measure before them. Misfortunes sometimes prove the greatest of blessings. He trusted the present event would teach Government economy; for, since they found the difficulty which attended the raising of money, they would be careful how they lavished it away. He trusted this measure of taxing the farmer would also have the effect upon him to awaken a watchful attention to the operations of Government; it would also give us the means of paying our debt, which is a most honorable employment, and of showing to foreign countries that our revenues rest upon a foundation which they cannot shake. Viewing the matter thus, however unwilling he was in general to call upon the people for money, he hoped the principle before them would be adopted.

Mr. GILBERT said, the question was, whether they should raise the revenue wanted by direct or indirect taxes? Though he was opposed to direct taxes, he had no objection to the Committee's rising, that the report might be recommitted, in order that the Committee of Ways and Means might be instructed to report to the House a plan of direct taxation for the decision of the House. He acknowledged the necessity of something being done, but he was not ready to vote for direct taxation, until he saw something more of the business.

Mr. CHRISTIE was against the Committee's rising, because he thought it was necessary to determine upon the principle. He did not know whether he should agree to this principle or not. It was proposed that each State should be apportioned according to its last census. By this Maryland would be considerably aggrieved. Several other States were in the same situation. If the gentleman would therefore withdraw his motion for the Committee's rising, he would move to strike out the words "according to the last census." [The former motion of Mr. HARPER was withdrawn.]

Mr. S. SMITH hoped the words would not be struck out; for if they were struck out, the whole resolution would fall to the ground, as, if they were not to make a calculation upon the last census, they must either postpone the business until a new census was made, or go into the expense of making a new census for the occasion.

The gentleman from Pennsylvania [Mr. SWANWICK] had gone fully into the business, and shown to the satisfaction, he doubted not, of many in that House, the necessity of going into some effectual mode for securing a permanent revenue. He believed it would be found a subject of difficulty to carry into effect a direct tax throughout the Union, but as the Committee of Ways and Means had brought forward the proposition, he doubted not they had attended to these difficulties.

He was not afraid of the State of Maryland being overrated by taking the last census. It was not necessary to go into that subject, for he believed Maryland ought to have had another Representative on that floor. He thought they should not object to the plan before them on tri-

fling ground, as they need never be able to apportion any system to farthings. Whether he should vote for the system proposed he knew not, but he wished to have the subject taken up, that we might have it in our power to say we are an independent nation, and that it may not be in the power of any other to cut off our supplies. Such a step was necessary, and he doubted not the people would be found willing to give their Government a proper support.

Mr. CHRISTIE said, if he thought his motion went to destroy the principle, he would withdraw it; but he believed the principle would be as well tried without them as with them. He thought it would be proper to have a new census taken. He wondered his colleague [Mr. S. SMITH] should think Maryland would not be overrated by the present census. He was confident they would. If those words were out of the resolution, he would vote for it, but not otherwise.

Mr. NICHOLAS had no objection to the words being struck out, because if they were not, they must be guided by the last census, except a new one was taken; and if the gentleman could not take the sense of the House upon the propriety of taking a new census, without striking out these words, he hoped they would be struck out, in order to give him an opportunity of trying that question.

The question for striking out was put and negatived.

Mr. DAYTON (the Speaker) said, the subject was an important one, and from his prepossessions (gentlemen perhaps might be inclined to call it prejudice) against a system of direct taxation, he could not think the House would be readily brought to agree to such a system. He only rose, however, then, to notice what had fallen from the gentlemen from New York and South Carolina [Mr. GILBERT and Mr. HARPER] who had wished to have the detail upon which the principle before them was to be carried into effect. He thought they should first decide upon the principle, whether they would resort to a power, which had never yet been resorted to, of raising revenue; in fact, whether a plan of direct or indirect taxes should be pursued. The decision upon this question should have no allusion to the manner of effecting it; because, if the Committee of the Whole did not think it necessary at this time to go into a system of direct taxation at all, they would so determine, and a plan of indirect taxation ought immediately to be considered. He was therefore far from wishing the resolution to be sent back to the Committee of Ways and Means to have the business detailed: he would have the abstract principle first decided upon. Mr. D. hoped the sentiments of gentlemen would be fully given upon this subject; for his own part, if he heard no stronger arguments in favor of the plan than had been offered, he should certainly be opposed to it.

Mr. W. SMITH thought the gentleman last up had placed the subject on its proper ground. The principle ought certainly to be first decided upon. It was acknowledged on all hands that there was

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a deficiency of revenue; gentlemen who were opposed to this plan, should therefore substitute some other in its place, since revenue must be had. It was a good parliamentary rule, that when a member opposed an object proposed for revenue, he should propose a substitute. It was easy to object to a thing. He disliked direct taxation himself, but since there appeared no other way of raising sufficiently ample funds, he saw the necessity of fixing upon this. If gentlemen would propose any other mode of raising the money wanted, he should be glad to consider it. He thought, at any rate, they should then determine upon the principle, before any further steps were taken in preparing any plan; and, if it should appear to be the opinion of a majority of the House that, under no consideration whatever, a system of direct taxation should be adopted, there would be an end of the business, and they must immediately turn their attention to some other way of raising the money required; for his part, he was afraid if they passed over from direct to indirect taxes, they should not come to anything effectual.

Mr. WILLIAMS was of opinion with the gentleman from New Jersey [the SPEAKER] that the principle should then be determined upon; because to send the resolution back in order to have a plan digested, if it should eventually be rejected, would be an unnecessary waste of time. He wished gentlemen from every State would make their observations upon the subject, in order that they might determine whether some better plan could not be adopted. He thought every means of indirect taxation should be exhausted, before direct taxes should be resorted to.

Mr. W. said he did not think with the gentleman from Pennsylvania [Mr. SWANWICK] that the landed interest did not pay their proportion of the present taxes. The consumers, it was allowed, were the payers of taxes; and until that gentleman proved that farmers did not consume taxable articles, he must not say they did not bear their proportion of the public burdens.

It was well observed, that our present revenue system was liable to be deranged by other nations; but perhaps it might be possible to adopt some other system, which should be more certain, without having reference to direct taxes. He could wish mercantile gentlemen would forbear throwing out insinuations that the landed interest did not pay their quota of the public expense. He believed they were unfounded, and he was certain they could have no good effect.

For the present, he should wish the Committee to rise, and hoped gentlemen would come forward another day, with their observations on this subject, that they might see if they could not hit upon some plan of raising the necessary supplies, without going into the plan of direct taxation.

The Committee rose and had leave to sit again.

DIRECT TAXATION.

Mr. COIT said, he wished to lay a resolution upon the table, somewhat connected with the subject which had just been discussed. It was a resolution requiring the Committee of Commerce

and Manufactures to prepare and report a bill on the subject of direct taxation on land and slaves, the abstract principle of which had only been under discussion.

The resolution was laid on the table.

Mr. W. SMITH hoped that gentlemen who objected to the mode of taxation proposed would tomorrow come forward with a substitute.

FRIDAY, January 13.

DIRECT TAXES.

A motion being about to be put for going into a Committee of the Whole, on the subject of further revenue—

Mr. COIT wished the House to take up the resolution he had yesterday laid upon the table. The difference between this resolution and the one reported by the Committee of Ways and Means, was, that this called for the particulars of the plan, whilst that called for an agreement to the principle of direct taxation without any reference to a plan. This difficulty occurred. Many gentlemen objected to a direct tax, because they could not see their way through any plan of carrying it into effect. He himself did not feel this difficulty. He should vote for the resolution; because, if a plan was brought forward which he did not approve, he should vote against it. It appeared to him, however, that the House would have a more distinct view of the subject, if they had a plan before them.

Mr. SWANWICK said, the objection which he had to the motion was, that it would embarrass the question whether or not the House would agree to any system of direct taxation? Some gentlemen thought it impossible to devise a plan for this purpose. It could not be expected, therefore, that the Committee of Ways and Means should produce such an one as would be wholly unobjectionable. Indeed, when he heard it asserted to be impossible, he trembled for the existence of our Government; for it could not exist without revenue, and he could not see how that revenue could be raised but by a land tax. The propriety of laying additional burdens on commerce had been suggested, but (as he had already stated) this would not probably increase the revenue, as it would most probably promote a spirit of smuggling. Let us go into a Committee of the Whole on the subject, said Mr. S., and let gentlemen bring forward their different plans, and then the Committee will be able to determine which will be most likely to be effectual, and attended with the least inconvenience. There was but one sentiment as to the necessity of provision being made; and he was of opinion, if it was once determined to have a direct tax, such a plan might be produced as would prove acceptable, when gentlemen should be convinced that some plan of direct taxation must be adopted.

The SPEAKER said, the only motion in order would be, that the Committee of the Whole on the subject of finance be discharged, in order to refer the present resolution to the Committee of Ways

and Means, to instruct them to report a plan, or to commit the resolution to the Committee of the Whole on the subject of finance.

Mr. HARPER asked whether it would not be in order, when the House should be in a Committee of the Whole, to move the present resolution by way of amendment to that reported?

The SPEAKER said, the Chairman of the Committee of the Whole would determine that question.

Mr. COIT moved that the Committee of the Whole on the subject of finance might be discharged from the further consideration of the subject, for the purpose of referring his resolution.

Mr. WILLIAMS hoped the Committee would be discharged. He wished to have the plan in question before them, because, if it was not necessary to lay a land tax at present, it might be necessary at some future day. As to what had been said, that Government could not be supported without a land tax, he believed other means might be hit upon to raise the money required without a land tax—not that he would commit himself so far as to say he might not eventually vote for a land tax; but he believed if a small additional duty were to be laid upon salt and rum, and some other articles, there would be no difficulty in the business.

The SPEAKER reminded Mr. WILLIAMS of the question.

Mr. WILLIAMS said, he was stating his reasons why the system of direct taxation should not now be determined upon, because he thought there were certain articles upon which a heavier duty might be laid; though he wished, at the same time, to have the plan of a direct tax brought into view, to act upon when necessity should require it.

Mr. CRAIK was in favor of the Committee of the Whole being discharged, in order that the Committee of Ways and Means might be instructed to report a plan. He said he was in favor of this proposition, not so much from any objection he had to vote for the resolution as reported, but because if they were to have a plan reported, they should be more likely to bring the subject to an early conclusion. He did not think, with some other gentlemen, that, by voting for that resolution, he should be bound to vote for any plan which might be reported. He had no fears of this sort; he believed himself always at liberty to vote as he pleased, and to change his opinion on any subject when he saw proper. But as some gentlemen had expressed their objections on this ground, he thought it would be well to refer this resolution.

Mr. C. said, he believed when they considered their real situation, that they were not called upon to determine whether additional revenue should be raised or not, but that revenue must by some means be raised. He trusted gentlemen would turn their minds in earnest to the subject. He believed this to be the important business of the session; and when he looked at the report of the Secretary of the Treasury, he could not hesitate a moment in concluding that there was a necessity for acting with energy. Seeing, therefore, that they

had no alternative, it became their business to have the subject thoroughly discussed, and to take a view of both sources, viz: direct and indirect taxation, in order to determine upon which system they would act. A resolution, he said, had been referred to the Committee of Ways and Means some days ago, calling upon them to report what further revenue could be raised by indirect taxes. It would be well if that committee would bring into view all the subjects upon which indirect taxes might be raised or increased, in order to enable them to determine betwixt the two systems. It might, perhaps, be advisable to have recourse both to direct and indirect taxation; for though indirect means might supply our present wants, after the year 1800 they would certainly fall short, and he was not for putting off till to-morrow what might be done to day. It was necessary the attention of the people should be drawn to the subject, and that Government should not be drawn to anticipations and loans, and to give extravagant prices for our own money.

He believed gentlemen opposed to direct taxation were not so much so from principle as from an idea that it was impossible to adopt a system which would fall equally upon all parts of the Union. It was to be wished, therefore, that the plans could be seen and agreed upon, since some gentlemen were apprehensive that by giving their assent to the abstract proposition, they should pledge themselves to support a plan, however objectionable, when it should be reported. He hoped, therefore, the resolution would be referred, and a plan reported, upon principles which may be unobjectionable; gentlemen may then come forward and add to the list, or make such alterations as may be deemed expedient; they might tell the House whether or not they considered it proper to resort to both systems. Mr. C. thought, that from the present want of revenue to answer current expenses, and the view of these wants increasing, both systems of taxation ought to be resorted to, to answer those demands.

Mr. W. SMITH said, it was to be regretted that the gentleman from Connecticut had brought forward this proposition, as it caused them to debate about form rather than substance. The proposition of the Committee of Ways and Means went to say direct taxes should be laid; this directed the committee to report a bill. He thought it best to decide, in the first instance, whether direct taxes were necessary or not. By bringing the subject before the Committee of the Whole, gentlemen would have an opportunity of proposing their substitutes in place of the plan proposed; and, by contrasting one with the other, they should be able to judge which would prove the best mode. But gentlemen say no, we wish to see what kind of a bill the committee will bring forward; if we do not like it, we will reject it. What would gentlemen do? After three or four days' debate, it will be sent back to the committee; by the time they report, it will be about the end of February, and on the 3d of March the House will break up. Gentlemen ought to be open, and state the particular views of their constituents on this subject; they

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surely must know. He thought the best way would be to go fairly into the business, and determine whether they would adopt any system of direct taxation which could be planned, and so far pledge themselves as to determine they will agree to any practicable plan which may be produced, as revenue must be had.

Mr. S. said, there could only be two objections to a system of direct taxation: either that by the Constitution there is not a sufficient power in the Government to raise such a tax, or that it is inexpedient. If gentlemen thought there was not sufficient power in the Constitution to raise such a tax, it should be so determined; or, if it were thought that money could be raised in a more convenient mode, it was proper to discuss the principle, and come to a determination upon the subject. This, he said, was the rational way of proceeding; for if once the principle was determined upon that a direct tax was necessary, a number of objections would be softened down by the necessity which was seen to exist for adopting a plan of this kind.

It had been observed, that a resolution had been referred to the Committee of Ways and Means, instructing them to report on the subject of indirect taxation. He did not object to the reference at the time, but he had yesterday declared that that committee had repeatedly attempted in vain to hit upon subjects of indirect taxation for further revenue, and that they had therefore recommended a system of direct taxation.

The committee had done their duty. Gentlemen may now propose what they think a necessary substitute; there could be no advantage in recommitting it, but it ought to undergo a full discussion in Committee of the Whole.

He hoped the resolution of the gentleman from Connecticut would not be adopted, and that they should go into a Committee of the Whole on the business.

Mr. NICHOLAS said, the question was now whether they should determine upon something, or put it off till another time? We want revenue, said Mr. N., and we must have it; and was it not better, he asked, to determine upon what principle they should act, than to call upon the Committee of Ways and Means to report a plan? It was well known, he said, nothing but necessity could have obliged any member to have proposed direct taxes. Unless they first determined upon the principle, they should never be able to proceed; because, however perfect the system might be, objections would doubtless be made to it, and these would be made a pretence for doing away the bill altogether. He would have them now go into an investigation of the subject; when the gentleman from New York will, of course, propose his tax on salt and rum, and other gentlemen will bring forward their substitutes, so that they should be able to see whether any other effectual mode could be determined upon in preference to the one proposed; if not, they would be obliged to unite in agreeing to a direct tax. But if they were called upon to decide upon a detailed plan before they

had decided upon the principle, it would never pass.

Mr. BUCK said, he hoped the Committee would not be discharged. It seemed to be agreed, on all hands, when the Constitution was adopted, that direct taxes should not be gone into, except in cases of urgency and necessity. It seemed now to be agreed that additional revenue was essential. The subject had been before the Committee of Ways and Means, whose peculiar province it was to attend to all money transactions, and they had reported that the period had arrived when it became necessary to resort to direct taxation. Why, then, should they shrink from the inquiry? Since they had said this was the time, unless it were to be presumed they had erred, or members were ready to propose some other means which they think preferable to direct taxes, they ought to pursue the report made, and take up the business. Taxes, he said, were always disagreeable, and it was with reluctance the people consented to pay any, except they saw advantage arising from the payment of them greater than to counterbalance the evil of paying. He knew, also, that a direct tax would be received with reluctance. He himself would never vote for it, but upon the principle of necessity. He wished, therefore, the subject to be discussed, because, if there was any better way of raising the money required, he should vote for it; but if not, and there was an absolute necessity for revenue, then necessity would force him to vote for a direct tax. The reasons assigned by the gentleman from New York [Mr. WILLIAMS] for wishing the Committee to be discharged, viz: because he thought indirect taxes might be found to answer the purpose, induced him to wish the inquiry to be thoroughly gone into, and that they should not amuse themselves by referring the report back to the Committee of Ways and Means, until they had decided that the time had arrived for laying a direct tax.

Mr. GALLATIN said, that although, in appearance, the difference between the proposition of the gentleman from Connecticut [Mr. COIT] and that reported by the Committee of Ways and Means, was only in form, and not in substance, yet he saw great danger in adopting this proposition. This danger would arise, provided there should be a majority in that House determined to vote against a system of direct taxation at all events. If there were such a majority, he said, it would be well to know it as soon as possible, that they might either determine upon some other plan of raising revenue, or determine to retrench the present expenses of Government.

Many gentlemen might vote for the proposition of the gentleman from Connecticut, who would eventually be against a system of direct taxes; whereas he wished at present to know whether there was a majority in favor or against that system; if the majority was against it, it would be well to have it rejected at once.

Mr. G. said, he did not think any gentleman would be pledged by voting for the report of the Committee of Ways and Means, to support any bill which might be brought in in consequence of

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it, it contrary to his ideas of right. To vote for the resolution was no more than to say they were willing to adopt the system, provided it could be satisfactorily carried into effect. He hoped, therefore, there would be no more objections on that ground. He also hoped that those who intended to vote against direct taxes would vote against the proposition of the gentleman from Connecticut, and go into a Committee of the Whole; when, if they have a majority with them, they will vote out the proposition altogether.

He would not then, he said, say anything on the subject of direct taxation, as it would not be in order. He hoped the Committee of the Whole would not be discharged.

Mr. CRAIK said, the gentleman from South Carolina [Mr. W. SMITH] called this a question of principle. He agreed it was so; but he thought the measure proposed by the gentleman from Connecticut would produce the effect so much wished for. He believed he should be found to go as far as any gentleman in adopting efficient measures for raising revenue; but he thought the mode of preceeding chalked out by the resolution now proposed the best. He did not consider it as improper to have recourse to direct taxes, whilst there were any sources of indirect taxation existing. There might be subjects of indirect taxation which it would be improper at present to resort to; but his objection to deciding upon the abstract principle was this, that many members had greater objections to the business on account of the difficulty which they supposed would attend the carrying of it into effect, than to the principle itself. And it was in vain to tell gentlemen they might vote against the bill, if they did not like it, because they knew it was in the power of a majority to carry the bill, however objectionable, into effect.

The question for discharging the Committee of the Whole was put and negatived. The question was about to be taken on going into a Committee of the Whole; when

Mr. HARPER said, he was not more disposed than other members of that House to throw any obstacles in the way of providing revenue; nor of unnecessarily postponing a business with a view of defeating it by indirect methods. But he believed there was always more danger to be apprehended from hasty than from slow legislation. Large bodies like theirs, he said, suffered more from precipitation than from delay. If this observation was true, as it respected ordinary Legislative business, it was much more so as it respected finance, and new objects of finance—measures which were to have an extensive operation on the prosperity and happiness of the country. He was one of those who thought that a certain portion of time devoted to this subject would have been well spent; as the House, however, had not been of the same sentiment, but had determined to come to a decision upon the abstract principle, he should do what gentlemen had been several times called upon to do, viz: submit to the view of the House a proposition by which all the revenue which Government stands in need of, without having re-

course to the tax on land and slaves, proposed by the Committee of Ways and Means, might with ease be raised.

Mr. H. then proposed the following resolutions to the House:

“Resolved, That the duty now paid on salt be increased to — cents per bushel;

That the duty on that class of wares and merchandise imported from foreign countries, which now pays 10 per cent. ad valorem, be augmented to — per cent.;

That the duty on such merchandise as pays 12 1-2 per cent. be augmented to — per cent.;

That the duty on such merchandise as pays 15 per cent. be augmented to — per cent.;

That the duty on Madeira wine be augmented — per cent. on the present duty;

That the duty on Sherry, Lisbon, and certain unenumerated wines be augmented — per cent. on the present duty;

That the duty on foreign spirits not distilled from grain be augmented — per cent. on the present duty;

That the duty on Bohea tea be augmented — per cent. on the present duty;

That the duty on brown sugar be augmented — per pound;

That the sum of — be raised by a duty on stamps;

That the sum of — be raised by a tax on windows, by apportionment, according to Constitutional rules, among the different States.”

Mr. H. said, he should not at present pretend to enter into a discussion of the principles, as that would do when the Committee of the Whole took it up; he therefore moved that the resolutions be referred to the Committee of the Whole House to whom was referred the report of the Committee of Ways and Means.

The SPEAKER said, no discussion of the merits could take place in the House.

Mr. GALLATIN inquired whether there was not a resolution referred to the Committee of Ways and Means to the same effect by a gentleman from New Jersey [Mr. HENDERSON?]

Mr. W. SMITH read the resolution.

Mr. VENABLE suggested the propriety of referring this resolution to the Committee of Ways and Means.

Mr. W. SMITH wished rather that the resolution should be committed to the Committee of the Whole. The Committee of Ways and Means, he said, had already determined that sufficient revenue could not be raised from indirect sources. He wished the sense of the Committee of the Whole to be taken on that subject.

The resolution was referred to the Committee of the Whole.

DIRECT TAXES.

The House then resolved itself into a Committee of the Whole on the subject.

Mr. COOPER said, the resolution for direct taxes was of such a nature as to justify each member speaking his sentiments freely and fully on a subject so interesting to their common country.

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Direct taxes, he said, had always been considered as only to be justified as a resort in times of necessity. This was his opinion: this he thought the opinion of the framers of the Constitution. This being the construction, it became a question whether we were now in that situation; whether we can support the expenses of Government; whether we can pay the interest and principal of our Debt; whether we can meet the Algerine contract; whether we can keep up our foreign intercourse; whether we can, in short, support the honor and character of the United States, without having recourse to this method of taxation? If we could do this, then this mode should be left unexplored till the worst of times.

This, he said, was the principle upon which the Committee ought to go, to which every obstacle should fall: he should therefore offer a few sentiments on the subject.

Mr. C. said, he had no expectation that a direct tax on land would meet with the general approbation of the citizens of the United States. It did not meet with his; but, perhaps interest, he said, might influence him, since it would bring the whole of his property under the law; it would bear heavy on him; he should, however, vote for the resolution. He should do so because he thought our commerce already sufficiently shackled, and because our citizens had had no experience in window taxes and stamp duties, and therefore would not relish them; and more especially, because, in times like the present, when all Europe was at war, it was more difficult to support our neutrality and honor as a nation, than in times of peace. They had a number of things which put them in mind in difficult times, and he thought they were sufficiently warranted to make resort to suitable provision.

This being the case, Mr. C. said, he was desirous to do all in his power to secure an ample substantial revenue, in order to enable us to meet our engagements with punctuality; because, it was, with Governments as with families, when want approached, they were apt to censure each other as a cause of the evil. This had always been the case. The only remedy, was to make provision beforehand; to keep oil in our lamp, in order to see our way on every side.

Mr. HARPER said they had been informed, further revenue was wanted. Every gentleman who had advocated a system of direct taxation had taken means to prove this, which was unnecessary. He admitted the fact in the amplest extent. But there was another position of gentlemen in which he by no means agreed, viz: that the source of indirect taxation would, if resorted to, be unproductive, and that it had long since been exhausted, consequently, that we must have recourse to a land tax to procure the necessary supplies. This statement he entirely dissented from. He was persuaded this country possessed ample sources of revenue, through established channels, to raise all the money they wanted. The question, then, was one of expediency, whether this or that mode of raising revenue shall be adopted? And here he would observe, that how-

ever the tax was laid, it must be paid by the people—the possessor of the soil and consumer must pay. The whole question was, Which way will be the most convenient to draw the sum wanted from them? Whether by a circuitous and indirect mode, or by a direct and positive method? In comparing these different modes of taxation, it would be necessary to take a view of the difference of circumstances which distinguished this country, from others, of whose practice in this respect we had some knowledge.

He confessed there were great difficulties attending this subject. He was not ashamed to confess himself very unequal, not only to the task of indicating to the House what measures would be proper to be taken, but even of judging for himself on the subject. It was a subject which had engaged for a long time the best talents of this country, and there still existed a division of opinion about which was the best mode of raising revenue; but, when an individual was called upon to form a judgment, however difficult the task may be, he must take some course or other, and in his choice he could only be directed by his own understanding, improved and informed by the experience of others.

Since the subject was full of difficulties on all sides, they had only to choose between evils. He was of opinion that whatever objections might be brought against the system of indirect taxation, that the inconveniences of that system were far less than those which would be found in a system of direct taxation. With respect to a land tax, or tax on real property, there were circumstances in which he believed it the very best mode of raising revenue which could be adopted, viz: in a country where wealth and population were equally diffused throughout the whole Territory; where markets were, of course, every where convenient; where a farmer could easily exchange his labor for another man's labor, or where produce sold every where at nearly the same price. In such a country, he believed a land tax was a very good tax; there the ratio upon which such a tax might be equally laid, was readily attainable; but, in our country, he said, the situation of things was totally different.

It was well known that the great population and wealth of this country lay near the seacoast, and that, in proportion as it was receded from, the population became thin and the country comparatively poor by being far removed from a market for the produce of the soil. The exchange against a man removed three hundred miles from the coast was so great that much of what he sent to market was wasted by the expense of conveyance. Hence results, said he, the scarcity of money which exists in the interior of a country like ours, which renders the payment of a small sum inconvenient; and this difficulty cannot be removed by any regulation which can be introduced. A man on the Monongahela, called upon for twenty shillings, would find it lie heavier upon him than a farmer on the Delaware would find twenty pounds lie upon him, as he would experience more than twenty times the difficulty in

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procuring the money; for, from the scarcity of a circulating medium, in remote situations, it was almost impossible to convert the most valuable articles of produce into money, whilst persons living near a good market were able to sell the most trifling articles for a good price.

These observations were so well verified in that part of the country with which he was best acquainted, that though the most equitable valuation had taken place, yet a tax which had been laid in consequence of that valuation, had been collected with the greatest difficulty.

It would be found, therefore, from these statements (for the truth of which he appealed to every gentleman who had thought upon the subject) that let direct taxes be laid in whatever manner they might, they would bear extremely hard in some cases, though they might be perfectly light in others. This he considered as one of the greatest objections to a land tax—an objection which did not exist in European countries, as they are full of inhabitants, and the farmer had everywhere a market for his produce.

Indirect taxes, on the contrary, Mr. H. said, were collected with facility, and were voluntarily paid. If a man found himself pinched for money, he might refrain from purchasing, at least for a time, of such articles as were taxed, and not immediately necessaries of life, or he would make a less quantity serve him; but a direct tax could not be avoided, however unable a man might be to pay it. Hence, he said, would arise executions and a variety of distress amongst that class of citizens who were unable to meet the demands of Government.

Another objection, not less strong to direct taxation, was the impossibility of apportioning such a tax equally. He said impossibility, and he was warranted in the expression. He was desirous of hearing how the Committee of Ways and Means meant to apportion and collect this tax; but this information was withheld, and they were called upon to agree to the principle without any plan of carrying it into effect. He said it was impossible, from two causes: first from markets being remote in some parts and convenient in others, and consequently land being of much less value in some parts than in others, and from the vast inequality which took place in proportion to population and to the improved or unimproved state of agriculture. So that some parts of the same district were of much more value than others, and even some farms more than others, from the superior skill and industry of their present possessors, or of those who heretofore possessed them. There was no part of the country, he said, where this remark would not be verified. Combine with this circumstance the contiguity and distance from markets, and the impossibility of an equal apportionment would appear evident. Nor was the distance from a market alone to be considered, but roads were an insurmountable objection in some parts of the country. How these difficulties were to be overcome, he was at a loss to see. He believed such a tax could not be laid with any degree of justice. It had been attempt-

ed in some States; in some it had been found impracticable, and in others attended with very great inconvenience. In the State which he represented, it had been attempted upon a principle which seemed to be generally approved; but it had been found that a man who possessed land of four times the value of his neighbor, paid no higher tax than he who possessed the poor land.

What, said Mr. H., must then be done? Would you resort to an assessment? If so, you embrace an immense expense. For an assessor to go through the United States, and class every farm according to its value, would not only be very expensive, but it would require a very long time to accomplish such a business; and the expense could not be stated at less than from twenty to forty per cent. the first year upon the sum raised. And to preserve any thing like a just valuation, it must frequently be repeated, as from emigration, population, fertility, and a variety of other causes, the value of property was continually changing, and thereby the expense would become very heavy. Besides, from the attachments and interests of the persons employed on such an occasion, there would be no certainty of obtaining a just valuation, it would appear incalculable.

After all, it would be impossible to come at the real value of land; the carelessness of your collectors will be found a great obstacle, their indolence will prompt them to hasten over their business without that attention necessary to such a material object. Will your assessors go through the woods, justly estimate the value of every farm, consider the relative worth as it respects situation, soil, and culture? No, sir, said Mr. H., they will care about nothing so much as pocketing the salary you allow them: hence, many would be assessed four times more, and others not half the value of their land. In small and thickly inhabited districts it may be more equalized; but when the assessor has to explore those parts, where, to assess five or six individuals, it would require four or five weeks, is an idea which would deter reasonable men from attempting such a scene. In other countries, where land tax was obtained, it was not so: there they are mostly under yearly rent; the rent will there estimate the value of the property, and afford the means to collect the tax. No difficulty could there arise in the apportionment, but in this country almost every man in the country lives on his own land.

Viewing all these objections, therefore, he believed it would be allowed—if it was not impossible, it was at least impracticable to any good effect to lay an equal land tax.

These objections, he remarked, could not be urged against indirect taxation; but there were other objections. They were told that the source of indirect taxation was so far exhausted, that to increase these taxes would risk the introduction of smuggling, by which the morals of individuals would be destroyed, and the revenue diminished. These, he allowed, if true, were serious objections; but he denied their truth. How did it appear that this source had been so much exhausted that no addition could be made without intro-

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ducing smuggling? There was no statement to prove this; but he believed he should produce a statement which would prove the contrary. He believed the duties on several articles were rapidly increasing. This proved that the duty was paid with ease and convenience, and that it might be augmented without danger. But they were told, that whilst the revenue depended upon commerce, it was in the power of foreign nations greatly to embarrass it, and utterly to destroy it by a war with this country. The propriety was therefore urged of transferring the taxes from sources which might be so affected to internal sources.

These objections, Mr. H. said, deserved to be very seriously weighed. He believed them to be infinitely the most solid which could be urged against this mode of taxation; and, if true in their whole extent, would afford real ground of objection. But, in the first place, it may be remarked, we are already in this predicament, as our resources depend upon duties arising from foreign articles imported; and we should be no more so by increasing those duties, since we were as effectually under that influence, while five millions were drawn from that source, as if double the sum was drawn from it. He would ask, if the danger was increased by increasing the duty? He believed not; but that the benefits would be increased, without increasing the danger or evil.

He believed, however, that this objection was so solid as to command attention, and to require us to shape our course accordingly. He believed it was advisable for them to turn their eyes from foreign to domestic sources of revenue, and commence a system, which may be increased as necessity may require, and upon which may be transferred a part at least of that duty which is at present drawn from foreign sources. This, he thought, was sound policy, and this would be found to be his intention.

There was another point of view in which the plan he should propose recommended itself. They all knew money was immediately wanted. They were not to project a revenue which would be wanted by and by—one million two hundred thousand dollars were wanted directly. This sum, he said, might immediately be drawn from established channels; but, how long a time, he asked, would it take to raise it by a direct tax? Those who were best acquainted with the subject would be able to say there was always great uncertainty in new sources of revenue, particularly when the object of taxation was entirely untried. Circumstances might hereafter justify a transfer of a part of this tax, but, at present, the system of taxes already organized should be resorted to, as in that there could be no deception; they would only have to ask for the money and it would be there.

He believed it would be unnecessary to extend any further his general observations on the introduction of this subject. He should now submit to the Committee a sketch of objects which he meant to propose in place of a direct tax on land. He did not mean this as a complete system; some of the arti-

cles might, perhaps, be properly enough struck out, and others introduced. He intended more to recommend the plan than any particular object. He would, however, point out the sources which had struck him as proper to be resorted to, and leave the Committee to determine upon the propriety of adopting or rejecting them.

1st. Salt, at present, paid twelve cents per bushel, and the clear increase of duty from 1793 to 1795 had been from \$247,000 to \$345,000. This increase, he said, proved that the present duty was no way burdensome, as the consumption had greatly increased. He therefore proposed an addition of twelve cents per bushel, which would make an increase of duty of at least \$300,000. If it was thought this was too great an increase, a less might be adopted. It might be said this was taxing a necessary of life; but, he said, if salt was taxed he could use what he pleased of it; but the same remark would not hold good with respect to a tax on land. Three bushels of salt would serve a laboring man, his wife, and three or four children a year, or admitting it to be four bushels, this additional duty would only amount to half a dollar; and what portion of a land-tax would fall lighter than this? It would be said, salt was used for cattle also. The quantity used for this purpose, he believed, was small. A bushel of salt would be enough for thirty cattle in a year, but if it were two bushels, the additional duty would only be a quarter of a dollar, which would not be felt by a man who kept this number of cattle; and if his number was larger, and he was a dealer, those to whom he sold them would pay the duty. The same observation would hold good with respect to salt used in salting up provisions for sale.

2d. His next object was an augmentation of the tax on foreign merchandise, which at present paid ten per cent. ad valorem. This duty, he said, increased from 1793 to 1795, from \$455,000 to \$1,781,000. There had, indeed, been a small increase of duty between 1793 and 1794, which operated in 1794, but the increase of duty had not been by any means equal to this increased produce; and this being the case, it might be concluded the duty had been paid with convenience, and that it would bear an augmentation, and more particularly if it was recollected that the articles included in this class were mostly articles of luxury and expense, and consequently far objects of taxation, since the tax would fall upon the rich consumers. Perhaps, he said, there might be some articles of necessity in the list, which might be deducted, without making a material difference in his calculation. He would propose to augment this class of articles to fifteen per cent., which would produce \$500,000.

Almost the whole of this class were articles of expense and luxury, few are articles of necessity. It is composed of bottles, wire, anchors, locks, blank-books, brushes, sticks, cottons, muslins, calicoes, satin, silks, corduroys, velveretts, &c. Will not these call on the rich, that are able to pay? If you only add 27½ per cent. it will produce twenty thousand dollars.

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3d. The twelve-and-a-half per cent. duties ad valorem. They had, within the period above-mentioned, risen thus:

In 1793	-	-	-	\$83,000
1794	-	-	-	241,000
1795	-	-	-	645,000
				<u>\$969,000</u>

This duty having increased five-fold, (allowing for a small increase of duty, as in the former case,) it might very well be augmented, especially as the articles in this class were also articles of luxury and expense. Suppose two-and-a-half per cent. be added to this class, it would produce \$100,000. The articles in this class are printed cottons, muslins, manufactured wood, &c.

4th. His next object was that class of foreign merchandise which at present paid fifteen per cent. The nett revenue of this class in 1793 was \$81,000; in 1794, \$362,000; in 1795, \$885,000. This class of articles, he said, was exceedingly numerous, and comprised many articles of general consumption by all classes of the community, but also some of expense. Perhaps it would not be advisable to increase the duty very much on this class, particularly as many of the articles were such as were manufactured in this country, and to increase the duty too much, might encourage a monopoly amongst our manufacturers at home, which he would wish to avoid. He should think, however, twenty-five per cent. upon the present amount might very well be laid, which would produce \$100,000.

In this class are comprised watches, clocks, plated wares, hard-ware, &c.

Madeira wine was an article, the duty upon which might be increased, though it was already pretty high. In 1793 this duty had produced \$117,000; in 1794, \$152,000; in 1795, \$190,000. The consumption, it appeared, had increased very considerably, and he thought it would at least bear ten per cent. upon the present duty, which would produce \$15,000. He believed this might be done; but, if it should be doubtful, it might be dropped without inconvenience.

Sherry, Lisbon, and certain other enumerated wines, the duties upon which he believed had increased more than upon Madeira, he proposed an augmentation which should be equal to \$15,000.

Foreign spirits, not distilled from grain was amongst the objects on which an augmentation might take place. This article produced, in 1793, \$898,000; in 1794, \$1,492,000; in 1795, \$1,400,000. The drawback in 1795 had been greater than in the preceding year. He would augment this duty ten per cent. on the present amount, which would produce \$100,000.

Bohea tea was an article of great consumption, which at present paid ten cents per pound.—In 1793 this article had produced \$163,000; in 1794, \$226,000; and in 1795, \$222,000. He said he was not so certain with respect to the propriety of increasing the duty upon this article, as upon others. The smallness of its bulk made it a convenient article for smuggling, and it would not,

therefore, be prudent to advance the duty too high upon it. He thought, however, 10 per cent. might be added to it, which would produce twenty thousand dollars.

Brown sugar, he said, now paid 1½ cent per lb. It had produced in 1793, \$646,000; in 1794, \$510,000; in 1795, \$710,000. This duty of 1½ cent. having been found a very light duty, being more so than the duty upon most foreign articles, he would propose to augment it one cent per lb., which would produce \$400,000, or half a cent would produce \$200,000.

These augmentations, added together, he said, would amount to \$1,450,000.

This sum, he believed, might be very well raised by additional imposts, which was a greater sum than was wanted; \$1,200,000 being the estimated sum required. The augmentations which he had proposed might therefore be greatly reduced. This additional revenue, he said, would be raised without an increase of expense of one cent in the pound, by a system of collection already established and understood, and might be produced without delay, uncertainty, or extra trouble.

He proposed also that \$100,000 should be raised by a tax on stamps; and 150 or 200,000 dollars by a tax on windows.

He proposed these, he said, not so much with a view to immediate revenue, but as a means of transferring by degrees the revenue from foreign to a domestic source. He had no doubt that a tax on stamps might be made to produce \$500,000, and a tax on windows \$400,000, if wanted. This might also be done with great facility, and would be infinitely preferable to a land-tax, as it would fall equally upon all parts of the Union. He was not sure but a tax upon hearths might not be still better; and by these measures they would see how far they could go in drawing revenue from internal instead of foreign sources.

This, he said, must be gradual. The first thing necessary was to organize a tax, which might take several years to bring to perfection. In the mean time, they should get what was immediately wanted from the sources he had already pointed out; and, in case of future wants, they could have recourse to the stamp and window, or hearth-tax.

Mr. H concluded with saying, he was sensible the plan he had proposed was an imperfect one; but as gentlemen had been cautioned against objecting to the system of direct taxation, except they produced a substitute, he had produced this, which might be added to, or diminished from, as the Committee should see proper. He was convinced of the necessity of further revenue, and he believed that the patriotism of the people of this country would induce them to pay whatever tax they might be convinced was necessary.

The Committee now rose, and had leave to sit again.

MILITARY ESTABLISHMENT.

Mr. S. SMITH, from the committee to whom it was referred to inquire whether any and what amendments were necessary in the act relative to

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the Military Establishment, made a report, recommending sundry alterations, the principal of which was the repeal of that part of the act which relates to light dragoons, and to a Major General and his staff.

The report was ordered to be committed to a Committee of the Whole.

CONFIDENTIAL COMMUNICATION.

MR. MADISON, from the committee to whom was referred the confidential communication received from the PRESIDENT OF THE UNITED STATES a few days ago, gave notice that he had a report to make on the subject. The House and galleries were accordingly cleared.

This business finished, the House adjourned till Monday.

MONDAY, January 16.

A bill was received from the Senate, for giving force and effect to the laws of the United States in the State of Tennessee; which was twice read, and ordered to be committed to a Committee of the Whole.

MR. W. SMITH, from the Committee of Ways and Means, made a report on the subject of appropriations; which was twice read, and committed to a Committee of the Whole.

MR. HARPER laid a resolution on the table, directing the Secretary of the Treasury to lay, at stated periods, certain statements of duties and drawbacks before the House.

MR. AMES moved a resolution to the following effect, viz:

"That the Committee of Commerce and Manufactures be directed to inquire whether it would not be expedient, for the better security of navigation, to place a number of buoys within and near the harbor of Boston, and report by bill or otherwise."

The resolution was agreed to.

MR. FOSTER, from the Committee of Claims, made a report on the petition of Frederic Hebner. It stated that the claim had been cleared off in 1784, and complained of the impropriety of applying to the House without proper examination beforehand.

MR. MUHLENBERG said that the petition had been presented by him. The fact had proved to be, that the executors of the person to whom the balance was due never received one farthing. There was much reason to think that the money had been obtained by a third person, in virtue of a forged power of attorney; this, as he believed, would be proved in a Court of Justice. He did not mean to object to the report; he only stated this excuse for the petitioner.

The report, negating the petition, was agreed to.

RULES OF THE HOUSE,

MR. MUHLENBERG, from the committee to whom it was referred to report whether any and what additional Standing Rules were necessary to be added to those already adopted, reported the following:

"That every member presenting a petition or memorial, shall state its contents, and if it appear in substance

the same as has been already decided upon by the House, it shall not be received except new matter of fact appear therein."

Ordered to lie on the table.

CLAIMS OF GEORGIA.

MR. W. SMITH said the Attorney General had been directed to make a report to Congress, in March, 1795, relative to a claim of the State of Georgia to certain lands, which had never been made to that House, but to the Senate only. He said the land in question was of great extent and value, and some measure ought to be taken on the subject. He therefore proposed that a message should be sent to the Attorney General for a copy of that report; which was agreed to.

ADDITIONAL REVENUE.

The House then went into a Committee of the Whole, on the report of the Committee of Ways and Means on the subject of further revenue; when

MR. HENDERSON addressed the Chair as follows: Mr. Chairman: I am very sensible that our present revenue system is not sufficiently productive to answer the exigencies of Government, and that it is necessary, during the present session, to adopt some measures to improve it. This, I believe, will be admitted by all, and the only question is, as to the mode by which it shall be accomplished.

Two modes of obtaining an increase of revenue are contemplated. The one, by extending the present system of indirect taxation as far as prudence will admit: the other, by having recourse to direct taxation.

Upon taking a comparative view of the two different modes, the advantages that appear to my mind to arise out of and flow from the first, have so much the preponderance, that I cannot give my assent to the adoption of the other, until the improvement of the system of individual taxation has been fairly tried, and shall prove insufficient to meet the necessary expenditures of Government.

Sir, I will take the liberty to enumerate a few of the advantages that the present system possesses, which cannot be attached to the new one. This system has been organized, for a considerable length of time, and the citizens have got accustomed to, and are generally well satisfied with it. It can be extended without any change in the system, or perhaps the appointment of one new officer. It will occasion the least possible expense in the collection. It is the most easy and agreeable mode of raising revenue from our citizens in the power of Government to adopt. They pay the tax voluntarily and imperceptibly; they have an option to consume much or little; and in proportion to their consumption will be their contribution to the revenue.

Sir, the revenue arising from this system has been in a state of progression ever since the system was got into operation, and I trust may be preserved in that state. It has, I believe, answered the most sanguine expectations of its promoters; and I have very little doubt on my mind but that

it would have met all the common exigencies of Government, if there had not of late arisen some very extraordinary and heavy expenses, which greatly augmented our Public Debt.

Sir, with regard to the system of direct taxation, almost every member who has advocated the measure, acknowledges that it will be attended with considerable embarrassment, and I believe the opinion to be well-founded. Great innovations upon systems of taxation are generally embarrassing. It is to us unexplored ground. The drawing of revenue by coercion, from our citizens, appears to me one of the most delicate and difficult subjects that Government can engage in. Besides the danger of increasing the excitement of the public mind, and of alienating the affections of our citizens from the present Government, I think that the difficulty of laying a land tax, upon principles of equal justice, (a principle that ought always to be kept in view,) will be almost insuperable. This sentiment was so fully and ably discussed by the member from South Carolina, who was last up on the subject, that there is little room for any further remarks upon it. I will proceed to observe that this system will require an entire new organization, which cannot be carried into operation short of a very heavy expense, and the earliest probable time that it will afford aid to our revenue will be considerably remote. With regard to the expenses of the system, the Secretary of the Treasury appears to have been sensible that the collection of taxes in this way would be very expensive, as will appear by a statement in his report upon the system. In that report he apportions the sum of \$1,484,000 to the several States; from which he deducts, for abatements, erroneous assessments, and charges of collection, fifteen per cent., amounting to \$222,600, leaving the nett proceeds of the tax, \$1,262,400; an expense vastly exceeding the expenses of collection under the present system—a view of which I will attempt to exhibit, as contained in the last statement of the Secretary of the Treasury, showing the duties upon imports, tonnage, &c. The nett proceeds are stated at \$7,959,409 70, and the expenses of collection are stated at \$260,359 21, making between three-and-a-half and four per centum. The difference will be as 15 to 3, $\frac{3}{4}$, or at most, to 4.

Sir, with regard to the expenses of collection, I would ask, if any member would want a moment's time to determine which is the preferable system? I apprehend not.

Sir, the gentleman from Pennsylvania, who was first up on this subject, regretted exceedingly that a system of direct taxation had not been adopted long since by Government. For my part, I differ very much in opinion from that gentleman upon this point, and I can say, that instead of regretting, I rejoice that such a system has not yet been adopted, and have full confidence that the measures of Government will not be paralyzed, as that gentleman seems to think, if it should be postponed. That gentleman is engaged in the commercial line; I am in the agricultural line; which, perhaps, may account for our great difference in

opinion upon this point. However consonant it may be to the feelings and interests of the commercial part of our citizens to have the revenue raised in this way, sure I am that the gentleman, with all the force of eloquence and reasoning that he is possessed of, will never be able to convince the great body of the yeomanry of this country that it will be more for their interest to collect the revenue at the expense of 15 per cent. than at the expense of 3 or 4 per cent.

Sir, it appears that the gentleman from Pennsylvania has it in contemplation to throw the whole burden of Government upon the farmer. If I recollect right, his words were these: "The wealth of the country must have become so considerable, from the high price which every agricultural production had long been at, as to enable them very well to support the expenses of Government." With regard to which, I would observe that, under the present system, in my opinion, the farmer generally bears an equitable proportion of the expenses of Government. There may be some few exceptions, as it is impossible that any revenue system can be established that will operate equally in proportion to wealth upon every citizen, and it would be highly impolitic to lay the whole burden of the revenue upon any one particular class or description of citizens; but the surest policy is, to let both agricultural and commercial bear their parts, as they now do.

The gentleman further observed, "that, if peace was made between the nations at war, he had no doubt but there would be a defalcation of the revenue." He offered no reason to support his opinion; and, as I am of a different opinion, I will in a few words offer the reasons why I think our revenue, instead of meeting with any considerable shock from that event, (so ardently to be wished for by every humane mind—by every true American,) will be improved. Commerce depends chiefly upon wealth and population. If peace should take place, our wealth and population will progress very fast. I think we may reasonably calculate upon a larger ratio of wealth and population emigrating from all parts of Europe to America. In proportion to the increase thereof will be the demand for, and consumption of, imported articles. Our commerce will not only be continued with the old, but be extended to new markets, which will of course increase the quantity of imposts and tonnage; and, in proportion as they are increased, will our revenues be augmented.

The gentleman observed that, with respect to the excise, he need not say how unproductive it had been. The article of snuff, instead of producing anything, had brought the revenue in debt; and that the excise on another article had called forth the military to enforce it. Sir, if the gentleman had attended to the report of the Secretary of the Treasury, speaking on this subject of internal revenue, he would not have made so unqualified an expression as to the produce of the excise. The Secretary of the Treasury informs that the product of the internal revenues for the present year will be considerably more than the year past; for the year past, they were stated at between \$300,000

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and \$400,000. With regard to the article of snuff, it is obvious to every one that this arose from the advantage that was taken of the law; but the law being suspended, there can be no further loss; and I think that when it shall be amended, we may count upon a nett product hereafter from that article. With regard to the article that the gentleman alludes to, that the excise upon it had called forth the military to enforce it, I would only remark, that it is now becoming certainly productive and generally satisfactory: and as to the unhappy circumstance of the military being called forth, I believe that it was not owing to any inherent principle of the law, but much more to extraneous causes, which I shall not attempt to explain. The gentleman went on to observe that the augmentation of the duties would not prove an augmentation of our revenues. I believe that opinion to be incorrect; and I think if the gentleman had attended to the fiscal operations of our Government, he would not have advanced it. Sir, our duties have been repeatedly raised, and daily experience convinces us that our revenue has uniformly been in a state of progression. Sir, the gentleman endeavored to enforce his argument by referring to the recommendation of the PRESIDENT OF THE UNITED STATES upon the subject. For my part, I would ever wish to pay all due respect to the recommendations of the PRESIDENT, as I sincerely believe that they are founded in wisdom and patriotism. But, until the gentleman can change the phraseology of the PRESIDENT's recommendations upon the occasion, he cannot make the argument apply. The PRESIDENT has never, in any communication that I have met with, conveyed the idea of a land tax being necessary; and I contend that we are as much complying with his recommendation by raising the revenue wanted in the one mode as we would be in the other.

Sir, as members are called upon for a substitute, and to specify such items of indirect taxation as they judge proper for that purpose, I will take the liberty to mention a few, in addition to the many that were enumerated by the gentleman from South Carolina, that appear to me as proper objects to embrace or to extend the duty on. And, first, with regard to such as have not yet been noticed by Government. Of this description, are all theatrical exhibitions, porter manufactured within the United States, clocks, and watches. It will be obvious, at first view, that these are articles of convenience or luxury, that are generally used by those who are the most able to bear the burden of Government, and may be used or omitted at pleasure. Sir, with regard to theatrical exhibitions, we need only to turn our eyes to the large and expensive buildings occupied for those purposes, to convince us that the sources of private revenue derived from their exhibitions must be very extensive; and, if so, that they will be a proper object to raise some public revenues from. With regard to porter, manufactured within the United States. I think there may some revenue be derived therefrom with as much propriety as from spirits distilled, and the manufacturer might be protected by an additional duty upon imported porter. With regard

to clocks and watches, they are articles of convenience, chiefly used by those who would not be distressed by a small tax; and I am inclined to think, from the great number in use, that a considerable sum might be raised from them. With regard to articles that will bear an extension of duty, I agree in opinion with the gentleman from South Carolina, who gave us so full a detail upon the subject, as to the greater part of the imported articles, and should have been glad if he had included all kinds of teas, instead of confining his calculations to bohea only, and also beer, ale, and porter, among the class of liquors. With regard to the finer teas, I am of opinion that they will all bear an addition of duty, from this one consideration: that we use them upon better terms at present, under the duty they pay, than we formerly used the inferior kind. With regard to beer, ale, and porter, I would propose an additional tax, not only to aid the revenue, but to protect the manufacturer among ourselves. Of the duty paid upon these articles, I expect that foreigners would pay the greater part, as they generally give imported the preference. I am inclined to think, that, if the duty may be raised upon imported, it may also be raised upon spirits manufactured in the United States.

Sir, I would wish to make one or two observations upon the statement made by the gentleman from South Carolina, who gave us a detail of the expenses and the probable revenue of Government. I find in his statement of the probable revenues from existing laws, under the items of duties on imports and tonnage, the amount of \$5,588,961, computed as the annual nett proceeds. I find in the statement made by the Secretary of the Treasury, wherein he exhibits a general view of the amount of revenue upon imports and tonnage for the year 1795, the nett proceeds to be calculated at \$7,959,409 70—making a difference of \$2,370,448 70. I find, also, in the report of the Secretary of the Treasury, upon the system of direct taxes, the following observations, viz: "What the product of the present year will be, cannot be yet known; although it is certain that it will exceed considerably that of the year 1795." The nett proceeds of the year 1795 being, as I have before mentioned, \$7,959,409 70, and being informed by the Secretary of the Treasury that the amount of duties upon imports and tonnage this year will with certainty considerably exceed that sum, I am at a loss to determine upon what principle the gentleman has founded his calculation of \$5,588,961 for the true amount of revenue, unless he should have taken it only from the actual receipts, which I should not suppose would be correct; because the difference between the receipts of cash in the Treasury and the amount of duties must create a debt due the Treasury in the hands of somebody that must be paid, and will prove in aid of the revenue. I make no doubt but that the gentleman who gave us the statement, from his knowledge of the subject, and usual correctness, can explain the reasons of the difference. I would further observe that, under the same head, the items relating to internal revenues are stated at sums considerably

below the amount of the present year. The Secretary of the Treasury informs us that the product of the internal revenues for the present year will be considerably more than the year past. I think the gentleman has omitted in his statement one or two items that appear to me deserving of some notice—I mean the probable amount of sales of land under the act of May last, and the debt due from J. C. Symmes and his associates. I think we have a right, with some degree of certainty, to calculate upon some productive aid to our revenue from the sale of public lands. I am informed that there have already been sold above 100,000 acres, at from two to five dollars per acre; which, at an average of three-and-a-half dollars, will make \$350,000; which I should suppose a considerable item in the revenue account. And as the law has been but a short time in operation, I think we have reason to expect considerable aid to our revenue from this source. With regard to the debt of Mr. Symmes, (if the contract is fulfilled on the part of Government, agreeably to the report of the Attorney General.) it will make a considerable item in the revenue account. According to my calculations, there will be better than \$400,000 immediately to be paid, or placed upon interest, and paid in six half-yearly instalments.

Sir, the gentleman, in the course of his remarks, proposed the small sum of \$200,000 to be raised by direct taxes. This sum, it is true, does not at first appear at all alarming; but I have heard, upon former occasions, the idea of an entering-wedge to a system suggested. This would operate as a complete one. Although small, yet the more dangerous; for (to pursue the comparison) persons with wedges, having great force to overcome, make use of slim or small ones first, as they are more easily introduced, and soon make way for larger ones. This, I expect, would be the effect of the proposed system, and probably, in time, would make way for the full accomplishment of the measure suggested by the member from Pennsylvania, which I before stated, to throw the whole burden upon the farmer.

Sir, these being my sentiments, I must vote against the resolution now offered.

Mr. VARNUM said, he considered it the indispensable duty of this House, and of each and every member of it, as much as it was in our power, to preserve inviolate the public faith, and to make all necessary provision for the payment of the just debts of the United States. But in doing this, we ought to have recourse to such objects of taxation, and such methods of collection, as we have reason to believe will be most agreeable to the people.

The Government, no doubt, said Mr. V., under an impression that they were doing right, have resorted to imposts and excises, as the proper mode of raising a revenue; and experience has evinced that this mode of taxation is a feasible one in the United States; it places very large sums of money in your Treasury annually; and it is paid by the people with a greater degree of cheerfulness in this way than it probably would be through the channel of taxation. Many of the

objects from which our revenue is raised, by duties on imposts and excise, are articles of luxury and superfluity, and as they are generally considered to be such, those who make use of them do willingly pay the tax laid on them by the Government, and I presume will continue so to do, so long as the money shall be appropriated to purposes which are promotive of the good of the Union. Duties on those articles which may be more properly classed among the necessities of life, are paid by the consumer when he purchases the article, and are less felt by him than they would be if the whole duties of a year were to be paid in a gross sum.

By this mode of taxation, it is true, the poor and the industrious people, whose income and labor barely supplying them with the common necessities of life, do not pay any part of the tax or duty on wines, teas, silks, carriages, and a great variety of other matters; and why should they when their necessity entirely prevents their ever making use of them? Yet the duty is paid, and it comes from the proper source; the man in possession of the money remits it to the public, and the poor man is thereby enabled to supply his children with bread, to assuage their hunger, and buy clothing to guard them against the inclemency of the weather. Thousands of such people are within the United States. It is a maxim that will always hold good, that "money must be looked for where it is, and not where it is not."

Hence I conceive the present mode of collecting a revenue, under the Government of the United States, to be far preferable to a land tax. It is paid by the people with more facility, and realized by the Government with more certainty. Besides, the system is arranged and in a regular operation: all the officers are appointed who would be necessary if a much larger sum were to be raised in the same way; so that the expense of collecting any additional duties on imposts and excise, would be comparatively very small.

I am, therefore, clearly of the opinion that any additional sums which may at present be needed for defraying the expenses of the Government, or for the payment of their just debts, ought to be raised by duties on imposts and excises. That is a method of taxation with which we are acquainted, and which experience has taught us the operation of under this Government.

But such is the variegated interest of the United States, and such their diversified method of levying and collecting direct taxes, that no uniform system of direct taxation can be devised, which will apply to the custom of any two of the States; and unless you adopt the rules of some one of the States, your system will be diverse from any one which has ever been practised upon in any part of this Union. But if you adopt the method which has been prescribed by any one of the State Governments, and which may probably be very properly adopted, to suit the circumstances and conciliate the feelings of the people of such State; even in that case, you will have the prevailing opinion of the people in fifteen States out of sixteen directly opposed to your system. And

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this opinion having been acquired from long experience of the operation of direct taxes, (which most of the States have of necessity constant resort to for the support of their State Governments, and for discharging the debts contracted in the late war with Great Britain,) and which, being founded on social circumstances, habits, and attachments, are very hard to be eradicated, will very much retard the operation of the system, if not render it entirely impracticable.

The Secretary's report on this subject brings into view three modes of levying direct taxes, with which the House are acquainted.

The first of these modes has for its object an apportionment on each State, on Constitutional principles, assigning a time for the money to be paid into the Treasury, on failure of any State to be assessed and collected by the authority of the United States, upon the same objects of taxation, and pursuant to the same rules by which the last taxes were assessed and collected in such State :

"1. That an act of Congress should be passed declaring the quotas of the different States, assigning a time for payment into the Treasury, and prescribing, in cases of delinquency, that the said quotas should be assessed and collected by authority of the United States, upon the same objects of taxation, and pursuant to the same rules by which the last taxes were assessed and collected by the respective States.

"2. That the act of Congress should direct that the proposed tax should be assessed and collected under authority of the United States, upon the same objects of taxation, and pursuant to the rules of the collection by which taxes are collected in States, respectively.

"3. That the act of Congress should define certain objects of taxation and principles of assessment, according to which the proposed tax should be assessed in all the States, to be collected pursuant to uniform regulations."

The report treats the first mode as entirely unworthy of confidence. It gives some countenance to the second mode; but finally concludes that it is ineligible. The third mode is recognised as the preferable one, and has been agreed to by the Committee of Ways and Means. But, sir, I must take the liberty of differing from them in opinion on the subject; the mode which they have agreed to is, in my mind, by far the most exceptionable of the three.

It destroys that equality of taxation, which ought to characterize every nation, and which by strict attention and industry, founded on the true principles of equal liberty, from many years experience, most of the States in the Union have, in a good measure, acquired the knowledge of and adopted.

It is calculated to saddle the industrious farmers of our country with an undue burden. From the industry, toil, and fatigue, of those whose lot it is to till the earth, all orders, faculties, and professions of men derive their support. How many thousands of people in the United States live from year to year without once feeling the fatigue of hard labor, and many of them swimming in luxury, from the effects of capitals artfully acquired, from the hard earnings of the unwary laborer?

And shall a system of direct taxation be adopted under the Government, which the people have formed upon the principle of equal liberty, which will oblige the industrious farmer to pay a land tax, and a tax on his building, which, in most instances, includes nineteen-twentieths of his property; and all the money holders, holders of all other kinds of property, and those who, from profession or emolument derived from the operation of our Government, are living in affluence, be exonerated from any part of the burden, except a small pittance for the houses they live in? No, sir; it appears to me, that a system like this never can be agreed to in this House. Again; setting aside the dependence of the community on the industry of the farmer and mechanic for food and raiment, are not these the men on whom the Government must principally rely for personal service in defence of the country in case of an invasion from a foreign enemy? If so, which I presume will not be controverted, are they not entitled to equal privileges with their fellow-citizens, according to the property they possess? Most assuredly they are; but very widely otherwise will be the case, if the system before you should be adopted. The time that must be spent in forming an estimate on the new principles through the United States, and the great number of new officers (at least 3,500 would be necessary) in assessing and collecting the tax, would add very essentially to the burden. If a direct tax should ever become necessary under this Government, I hope it will embrace all the objects of taxation which have been designated by the particular State Governments; and, notwithstanding the ingenious reasonings in the Secretary's report against the practicability of the second mode therein stated, I am unable to figure to myself any possible inconvenience which would arise from it on the ground of the objections. And why that system was not adhered to in the report I am at a loss to know, for the resolve directing the report to be made contemplated no other.

But I am, from my present opinion, induced to give the system first mentioned in the report the preference. The several States being convinced that the authority of the General Government would be exercised if the money was not furnished by the time prefixed, they would in all probability make the remittance; but if any State should fail of doing it, this Government would make the assessment on the inhabitants of the delinquent States, and would be under as good advantages for collecting it, as it would have been to have made the assessment on the inhabitants in the first instance; and the reasoning in the report does not apply to the case, for under the former Government the Congress had no power to assess money on individuals in any case, and therefore were under the necessity of depending on the will of the State Governments alone for a compliance with the requisitions; but under the present Government, the power of Congress to assess and collect such deficiency, is commensurate with their power to make the requisition.

This mode of laying direct taxes would require

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no new officers, the money would be collected by the State officers with the State taxes, and would be attended with much less expense to the people than either of the other modes presented.

But there are almost insuperable objections to a direct tax under this Government, view it in what light you please; and I presume that the Government never will adopt one, until all the objects of indirect taxation are exhausted, and the demands on the Treasury make it indispensably necessary. Is that the case at this time? No, sir, I think it is not, but that very large additional sums may be drawn from that source if it were necessary.

Before we go fully into an investigation of the principles of a land tax, perhaps it would be expedient to inquire into the annual receipts and expenditures at the Treasury, and to satisfy ourselves whether there is, or is not a necessity of laying additional taxes of any kind: and, if on rational calculation, it should be found that the proceeds of existing taxes will be commensurate with the demands on the Treasury for the four succeeding years, your land tax will certainly be unnecessary. Being myself convinced of the fact, I will take the liberty of stating the principles on which my opinion is founded.

The annual expense of the Government, including all demands, is estimated by the Secretary of the Treasury up to the year 1801,

at	\$7,463,000 00
The report estimates the duties on imports and tonnage, by the actual receipts into the Treasury, in 1795, at	5,588,961 26
From excises on the same principle, at	337,255 36
The revenue from the Post Office, at	35,000 00
Bank dividend, at	150,000 00
Interest on the redeemed stock	88,636 65
On patents, &c.	746 73

Amounting to	6,200,600 00
Which leaves an annual balance against the Treasury of	1,262 400 00

But, it is to be observed, that this statement is made from the money received into the Treasury in 1795, and is the product of the revenue in 1795. And by recurring to the revenue returns for 1795, we find the nett amount of duties on imposts and tonnage in that year, is \$7,959,409 70.

Which gives a balance in favor of the Treasury, besides supplying the sum calculated to be raised by direct tax, of \$496,409 70.

The amount of the revenue to be derived from excise, is also estimated from the actual receipts in the Treasury in 1795, and is indisputably much too low, for, in many parts of the United States, the excise law had just began to operate in 1794, in which year a great part of the receipts of the Treasury in 1795 actually accrued. It is, I think, most proper to take this estimate from the most recent date of receipts, and from the 30th of September, 1795, to 1st October, 1796, the receipts on account of excise were

\$469,579 31

Since that sum was collected from the people, an additional tax has been laid by way of excise, which will considerably increase that branch of revenue.

Post Office revenue	\$35,000 00
Dividend of Bank products	150,000 00
Interest on redeemed stock	88,636 65
On patents	74 75

Whole amount of nett revenue \$8 492,700 41

From the great increase of the revenue from 1795 to 1796, I think that this statement can be relied on, with a great degree of certainty, as a proper estimate of our annual revenue from existing taxes, which give an annual balance in favor of the Treasury of \$1,029,700 41.

The Secretary of the Treasury, in his report on the subject of direct taxes, estimates the annual expense of the Military and Naval Departments and military pensioners, at \$2,000,000.

The estimate, in detail, for those departments, for 1797, \$1,508,890.

And I am of the opinion that the real annual expense of those departments will fall considerably short of this estimate taking it for four years, if proper economy is used, which will further increase the surplus money in your Treasury. The general staff of the Army are by the laws of the United States, to be continued no longer than the fourth day of March next, and therefore the items which apply to them in the estimate cannot be considered as an annual expense.

The pay of the general staff estimated up to the 4th of March next - \$874 31

As the United States are in a state of peace, and their army have only garrison duty to do, the keeping up a corps of dragoons can be of no use whatever, and a considerable saving will be made by reducing the corps.

The dragoons' annual pay amounts to 9,480 00

General staff subsistence to the 4th March next, 2,190 rations at 20 cents per ration, is	578 00
Forage for the general staff	217 13
Cavalry forage	9,696 00
The equipments for the cavalry	2,135 66
Horses for the cavalry	13,950 00

The Secretary has estimated the expense of the Quartermaster's department at 250,000 dollars. I am led to believe that the state of the Army will admit of a reduction of that expense 100,000 00

A reduction of 50,000 Indian rations, it being half the number stated in the estimate	10,000 00
Expense of running the line of the Indian Territory	10,000 00
For building mills, &c., at Oneida	5,000 00

These items amount to \$161,931 10

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Deduct this last sum from the estimate for 1797, leaves - - \$1,346,958 00
 And this last sum from the estimate for 1797, leaves - - 1,346,958 00
 And this last sum deducted from the \$2,000,000 stated in the report on the subject of direct taxes, as an estimate of the annual expense of the Army and Navy and military pensions, gives another balance in favor of the Treasury, of - - - 653,041 10
 This sum, together with the surplus revenue in favor of the Treasury, make - - - 1,682,741 51

This sum is the nett product of our annual revenues over the sums necessary to discharge all demands on the Treasury for the four succeeding years.

From this statement, which is taken from authentic documents, does it not clearly appear that it is entirely unnecessary, and even inexpedient to impose additional taxes of any denomination in the present session? While the existing taxes give you a nett income of more than a million and a half of dollars annually, over and above the annual demand which can, in the common course of occurrences, be made on the Treasury for the four succeeding years, can you with propriety lay additional burdens on the people? It has often been observed in the course of the debate on this subject, that all would agree in the necessity of additional taxes; but so far from an unanimous concurrence in this opinion, on a candid examination of the subject, with an usual reliance on the common course of events, will not every member of this House consider any additional taxes to be unnecessary?

Mr. SWANWICK said, that if the gentleman last up could make good his calculations, he should agree with him there would be no immediate necessity for new taxes; but even if this were the case (which he was far from being convinced of) he should wish a system of direct taxation to be commenced in order to have a certain source of revenue; any surplus arising from which would be well employed in discharging a part of our Public Debt.

The gentleman from New Jersey [Mr. HENDERSON] had said the PRESIDENT had never recommended direct taxes. He believed the PRESIDENT knew too well the privileges and duties of that House to interfere in anything which related to the origin of revenue; but he had, with great propriety, in his opinion, frequently urged the necessity of discharging the Public Debt, a Debt, which, if not got rid of, threatened the extinction of the Government itself. The Funding System had been the ruin of every country which had adopted it; because one generation put off to another what was its duty to have done for itself, viz: to pay its debts. A Debt of eighty millions called loudly for extinction.

If it was admitted, in order to reduce our Debt, and make provision for the future, fresh revenues were necessary, it became necessary for them to

compare the merits of the two systems proposed to their view for raising this money. They must examine the objections against one, and against the other. The great objection urged against a direct tax, was the difficulty of obtaining money from farmers in remote parts, and of obtaining a just valuation of property, and the expense of collecting the tax. As far as these objections had any weight, Government should make efforts to surmount the difficulties. But, it was said, it would be a long time before this tax could be brought into operation; if so, it was necessary to make a beginning, since, without a beginning, they could never expect to come to the end.

But, was it not, he asked, acknowledging a principle dangerous to the existence of Government, to say it was impossible to collect a tax on land? [Mr. HARPER said he had never said or thought so.] Mr. S. said he believed some such thing had been said; the difficulties had been stated by different gentlemen as insurmountable, and it became necessary to remove these difficulties. Suppose a war was to take place, was that the time to commence a system of this kind? He believed not. Such a season would be the very worst for collecting taxes. And was this country so situated, that there was no possibility of being involved in war? No matter from what quarter, whether it was with France or with England, it was necessary to guard against such an event by making our revenues sure.

How could we meet any foreign nation upon equal terms in Treaty, when they could say to us, if you do so or so, we will destroy your commerce, and paralyze your revenue? In time of peace, this business should be attended to; if it were not, how would gentlemen accuse themselves if war should overtake them! They would certainly have much reason to do it.

With respect to a land tax, Mr. S. said it was certain, equal, and might be collected with little expense. For, notwithstanding what gentlemen had said, the expense incurred was only at the commencement, as when an assessment was once made, it would last for many years.

We know, said Mr. S., that a window tax, a hearth tax, a stamp tax, and an excise, cause murmurings and discontents wherever they are established; but in no country has a land tax been grievous, except, indeed, in France, where the extensive property of the clergy and nobles under the old Government was exempted from the tax. In England, there were also some objections to the tax, from its being made from what is called the *Doomsday Book*, a (very ancient record) by which means the tax falls unequally, as, since that time, lands have so greatly changed in value, that a new assessment is become necessary to make taxes equitable and unobjectionable.

But, he said, were there not some circumstances at present which marked the time as proper for laying a tax on land? Did not every one know that the very high price of produce must have put the farmer in a situation to contribute some portion of the expenses of the State? Would they be better able to pay when their produce

should become lower? They certainly would not. He was not more desirous than others to call upon country gentlemen; he did it only from necessity. When he considered the danger of being left without revenue, he could not refrain from making the call, and he believed there would be found virtue enough among the farmers to bring them forward cheerfully to pay what the wants of Government required.

He saw no objection to a land tax that might not be removed. Whether the mode recommended by the gentleman from Massachusetts [Mr. VARNUM] or any other, would be best, was not then the question, but would be decided at a proper time. It had been said that farmers paid their proportion of indirect taxes; if so, he said, they could not complain of a land tax, as that would not fall heavier upon them than any other tax would do. But gentlemen said an indirect tax could be evaded; he thought there was no excellence in that quality of a tax, but the contrary, since the greatest recommendation of a tax was, that it fell equal. All taxes on consumable articles bore very unequally. A large poor family consumed much more of them than a rich small one.

It had frequently been said that all duties upon goods imported, were paid by the consumers. He believed this was not so, and he fancied any one who looked into the vendue stores, and saw merchandise selling for the amount in currency, of what it cost in sterling, would run no risk in saying that the duty was not paid by the purchaser, whoever else might pay it.

Indirect taxes, he said, fell very heavy upon persons who lived upon the interest of money, or upon salaries; because, though they were continually taxed by advances of duties, their incomes remained the same. On that ground they had lately had many applications from their officers for advances of salary.

Such a system, Mr. S. said, was a proper part, but not a complete revenue system. In all Governments land tax and imposts were introduced as proper companions; but here all depended upon impost, which was liable at all times to be cut off. No gentleman had said anything in answer to that objection. Nothing could be said against the truth of that position. How very possible was it, that they might hear in the Spring, of the William Penn, the Adriana, and other ships, being taken, instead of coming into our port? And, if such a thing should happen, it would be hundreds of thousands of dollars lost to our revenue. Was it not necessary, then, to be provided against any misfortune which might happen? Or, would gentlemen have the Treasury to stop payment in case of such an event? And he would ask gentlemen at what rate they would insure the arrival of these vessels? He believed the price would be high.

The plan, therefore, of the gentleman from South Carolina, [Mr. HARPER] held out a vain dependance, when he rested it upon an advance of imposts. And what could be thought of a window tax? The most odious tax in Great Bri-

tain, and a tax that would be highly deprecated in this country. Indeed, he could remember the time, when it would not have been very safe for a person to have proposed a stamp tax, a hearth tax, or a window tax! An hearth tax and a window tax were the most slavish of taxes. What! said he, shall one man enter our houses and count and tax our hearths, and another come and peep and examine into our windows? God forbid. The injustice of such taxes was not greater than their hateful nature, since a rich man by no means paid his proportion of them. When such objects were brought forward as substitutes for a tax on land, it was a pretty strong presumption in its favor.

How did the gentleman intend to convey his stamps to all parts of the Union? How would such a tax affect the farmer who might have many miles to ride for a stamp before he could give a note or take a receipt? The objection formerly made to a stamp tax, it had been said, was because it was about to be enforced by a foreign Government; he did not think that was the whole objection. He believed the thing was objectionable on account of its inequality. In Britain, it was productive; in Philadelphia, and other large towns, it would also be productive; but could not be extended with convenience over the States of Kentucky and Tennessee. It would either be evaded or oppressive.

By an additional duty on salt, would not the poor man be affected in a much greater proportion than the rich? He certainly would, since some poor families used as much salt as a rich one; and would not such a tax tempt the farmer to give a less quantity to his cattle than was necessary for them? And were landed gentlemen certain that such a tax would be more acceptable to farmers than a land tax? He did not know whether the additional duty might not also encourage smuggling.

Gentlemen had said, that whenever peace should take place in Europe, great emigrations would take place to this country, and great wealth would be brought in. He believed, if anything would draw persons from foreign countries to this, it would be a prospect of enjoying liberty, under wise and equal laws. He believed it would not be the most effectual way of inviting Irishmen to this country, to tell them we had a hearth tax, or Englishmen, by speaking to them of a window tax, or the people of France by a salt tax! It was the greatest recommendation of a tax that it fell equally on property, and whatever tax did so, was a good tax.

He still asserted that if a land tax had been laid long ago, it would have been of infinite service to the country, as it would probably have prevented some ruinous financial systems from taking place. It was with public bodies as with individuals, the more easy they get money, the more liberally they spend it. It was, therefore, a happy circumstance for this country that they could no longer borrow money. When they were called upon for a loan of 300,000 dollars for the Federal city, if it had been to be raised from the

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land, it would not have been so easily granted. This land tax would operate as a new spring in favor of Government; it would awaken the attention of the farmer to its operations, to inquire of the why and the wherefore; in business of Treaties, when money was to be granted, the farmer would be in favor of the Treaties only in proportion as he chose to pay the tax on his land. It was easy to grant money, but when it came to be paid, then every gentleman wished to put it off from his own shoulders; one wished it to be raised from land; another from wine; another from hearths or windows; or anything so that it did not affect him or his constituents in any sensible degree. This was the reason he was glad they were brought to the necessity of providing money before they could dispose of it. They had this session had some noble plans on foot; they had heard something of a National University, of relieving the sufferers at Savannah, &c., but now there was a call for money, every one wished to put off the demand from himself upon his neighbor.

Mr. S. said he regretted the necessity of calling upon the farmer; but he believed it necessary. When gentlemen stated the poverty and industry of that class of citizens, he felt as much for them, and had as much zeal for their interest, as any man; nor did he wish invidious distinctions to be drawn between the merchant and farmer. The merchant was an agent of the farmer; but the agent was in the worst situation, because his property was the first to be destroyed. He read, in his newspaper at home, that the French, the English, and the Algerines, take our ships; but his corn and grass grow, and his dollars are safe. He could come down to Congress and talk very coolly about laying additional duties on commerce; but if his land was mentioned as a fit object of taxation, he immediately took the alarm. He thought landed gentlemen should be inclined rather to sympathize with the merchants in their embarrassments; and if they were not led by more generous motives to do this, even interest should lead them to it since they would be the last to be devoured.

Let all ranks, then, said Mr. S., in conclusion, unite in putting their shoulders to the wheel of Government; and, since commerce pays her five millions, let agriculture pay its something; this would show a real attachment to our country. He had heard much said about Federalism and friends of Government; he thought those would show themselves the truest Federalists and friends of Government, who stepped forward in aid of its necessities. He trusted gentlemen would suffer their immediate interest to give way, in order to have the finances of the country fixed upon a foundation which could not be moved. He concluded in these words: We shall never make our Government respected either in Paris or London, till we are able to say to them that our revenue, like our wealth, lies in our farms.

Mr. HARPER said, he should not have risen a second time, if he had not been prevented by the lateness of the hour, when he before addressed the

Committee, from mentioning a few things which he thought necessary to be noticed. He should not, he said, trouble the Committee with a recapitulation of any thing he had before said; nor should he answer any objections which had been made to his plan. That would be more proper at another time, if any should be made, which he might think it necessary to attend to.

He had stated a variety of objects which would produce larger sums, more than was now called for. He had also shown that the duty had greatly increased; and that, notwithstanding the additional duty which had in the interim been laid, the increase of duty proved the augmentation of the consumption to have been very considerable. He said that the principal duties laid on foreign, are collected from the 7½, 10, and 15 per cent. imposts. An augmentation, he said, had taken place in 1792 and 1794, by which most of the articles in the 7½ per cent. class were transferred to the 10 per cent., that of the 10 to 12½ and 15, and much of the 15 to 20. Yet the 10, 12½, and 15 per cent. classes were very much augmented in their use between the years 1792 and 1795. The 7½ were productive of large revenue. Mr. H. here went considerably into a statement before made, observing, that from the great increase of the quantity imported, it might fairly be presumed that it did not fall heavy, and, of course, would allow an additional augmentation, without injury to the people, or encouragement of smuggling; it was a proof, he said, that they had not arrived at the point to which they could safely go. He did not mean to present a perfect system, he knew it was liable to objections; but it was merely to bring into view a system of indirect taxes. If, in the article of salt, they choose not to put 12 cents per bushel, which he stated would produce three hundred and seventeen thousand dollars, they were to put only four cents, it would produce one hundred thousand dollars. Brown sugar, he said, was a superfluity and luxury in life, and, on what could a tax more properly be put? especially as it would insure a good revenue; if the tax on salt was to remain as at present, and a quarter cent a pound on brown sugar, a good revenue would remain. Strike out wine and bohea tea, stamps, and windows, or hearths, and nine hundred thousand dollars would remain as an augmentation.

Mr. H. said, the objections which had been urged against indirect taxes, proved too much; they proved that they should be taken off altogether from commerce, and laid wholly on land; for if the proposed tax was to be laid on land, there would still remain five millions dependent on commerce, which would not be less liable to destruction.

The duties which he proposed to lay, Mr. H. said, would be very easily hereafter transferred. A system of direct taxation might be organized, but in the nature of experiment; and, as it was uncertain, a great part of the revenue should not rest upon it; but, if at any time commerce was operated upon, a part of the duty might be transferred. They had been told, he said, that our revenue might be in danger from the French or Eng-

lish; but, he would ask if we had not been pillaged by the English, by the French, and by the Algerines? Yet, under all these circumstances, the revenue had increased. He believed a direct war could not have a worse effect; for, then, probably, their property would only be destroyed by one Power. Why, then, he said, were they told of the uncertainty of our revenue? Besides, they were in the situation, and how could they be got out of it?

It did not require the learning and ingenuity of the gentleman from Pennsylvania to tell them the merchant did not pay the revenue. The people were the payers. The merchant got an advantage by the tax, on account of which he enhanced the price of his goods. Commerce received new vigor and spirit from this tax. He hoped, therefore, they should not resort to a tax so inconvenient and impracticable as a land tax, until they had examined the subject a little more, because he saw sources from which the money might be drawn in a manner more equally.

As to the necessity of additional revenue, no statements were necessary to prove that. The gentleman from Massachusetts had shown how they might deduct about one hundred thousand dollars; but what was this if it could be saved? The necessity was admitted on all hands, except by that gentleman.

Mr. H. said, if the plan which he had in view, should not have the effect, he would join hand and heart with those who wished direct taxes. He wished to see them large; he wished to pay the Debt, because it was a continual subject of anathema. He would go to two millions of dollars, if necessary, and some share of it might go towards the Public Debt; not that he thought it more heavy upon them, but because a subject of discontent, cavil, and invective.

Mr. GALLATIN said, the gentleman from Massachusetts [Mr. VARNUM] had stated to them that there was no necessity for laying a revenue equal to what had been contemplated. The gentleman from South Carolina, just sat down, on the contrary, had told them there was a necessity to the greatest extent. Yet, he said, if they were to draw any deductions from his calculations, they would be that there was no want of further revenue—as the document upon which he had grounded his arguments, was a statement exhibiting the amounts of drawbacks paid upon the dutiable articles exported from the United States in 1793, 1794, and 1795, in which was stated, in one column, the amount of duties received, and in the next, the amount of the drawbacks paid; for instance, take the addition of 1795, viz: the amount received in 1794, and it will be found \$8,588,382; if this were really so, instead of being about six millions, as estimated by the Secretary of the Treasury, it was clear they needed not go into a calculation about raising fresh revenue.

The fact was, Mr. G. said, he believed the gentleman from South Carolina [Mr. HARPER] had not sufficiently attended to the statement in question. The amount of duties there stated, though duties receivable, were duties accredited, and not

duties actually received upon goods imported. We know, also, said Mr. G., that the amount of revenue, as stated by the gentleman from New Jersey [Mr. HENDERSON] was eight millions, but liable to great drawbacks, both on West India and English goods.

Mr. G. said, he did not mean to follow the gentleman from South Carolina [Mr. HARPER] into any of the details which he had stated respecting the revenue arising from imposts; for, though he believed him altogether mistaken in them, yet the principles were the same. The question was, whether the revenue wanted should be raised by advancing the duty on imposts, or by a direct tax?

It was necessary, however, before he proceeded any further, to notice what had fallen from the gentleman from Massachusetts [Mr. VARNUM] as far as related to the actual revenue and expenditure. He agreed with that gentleman that the revenue was stated too low, and the expenditure too high, by the Secretary of the Treasury, on two articles, viz: upon goods imported, and the Military Establishment. In his report on the subject of direct taxation, he had calculated the receipts of the revenue to the 31st December, 1795. The ground upon which the gentleman from Massachusetts went, was to calculate the revenue for 1796; and it was true that the receipts for that year had considerably increased the former; but the only question was, which was the best ground for a permanent calculation? It was difficult to determine; but, he believed, in general, there was no reason to believe that the highest calculation would be the real revenue when a peace took place in Europe.

The gentleman from South Carolina had even supposed a war could not affect our imposts: he would leave him in the happy idea: but, Mr. G. said, he was not afraid of war, he hoped most ardently for a state of peace, which he doubted not would take place, and when it did take place, the consequence would be a reduction of our revenue. The slightest inspection of the document he had mentioned would show that the high price of our exports, the quantity of European importations, and the great amount of West India productions, were the causes of the high receipts at the custom-house. And the moment a peace took place there would be a failure in the exports, we should be deprived of the West India carrying trade, and if our exports were less, our imposts must also be less. In consequence of the wealth brought into this country by the European war we had been enabled to consume an extraordinary quantity of these productions; but, the moment a peace took place, a certain defalcation in our revenue would be the consequence. To what amount this might be, no one could tell.

On this ground, Mr. G. said, it was more prudent to take the lowest than the highest calculation; and he thought the Secretary of the Treasury had done his duty as a public officer by so acting. He was right in taking 1795 instead of 1796; because taking the amount as a permanent revenue, it was the best ground. It was true, there was another item which the Secretary had

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stated, which he did not take for granted. He had put down the Military and Naval Establishment at two millions. He thought that sum might be reduced \$600,000; for his own share, he had no objection to make it much lower still; when making a calculation of that kind, it must be made upon the then establishment, which was \$1,500,000. He thought, therefore, that the Secretary of the Treasury might have calculated about \$500,000 less, which would have reduced the sum wanted in additional revenue from \$1,288,798 to \$728,796.

Mr. G. said, he would go further and say that, calculate the revenue as they pleased, it would be equal to our present current expenses, and it would be so until the year 1800; but, in 1801, additional revenue must be had. It was not for current expenses, but to pay the principal of a Debt loaned in Holland, and anticipations which had been obtained from the Banks. Experience had told them there were now no more Loans to be got. It was therefore necessary to provide for the instalments of the Foreign Debt which would then fall due, for which no provision was made.

If it were proper to increase the revenue at the present time, \$800,000 were sufficient; still, if an increase was necessary, it was right to have an eye to what would hereafter be wanted. This brought them back to the question. How shall the money be raised—by indirect or direct taxes?

It would be well to observe, that gentlemen opposed to direct taxation, in recommending a system of indirect taxes, had confused their plans by direct taxes also. The stamp duty, he allowed, was an indirect tax; but a window tax was certainly not so. He would confine, however, his observations to indirect, as contrasted with direct, taxes.

If he had information before him that there would be no danger of embarrassing trade or increasing smuggling by doing so, he should have no objection to a moderate increase of the duty on goods imported. He believed the impost duty the best adapted to this country, but he must confess he had not information which would enable him to draw this conclusion. The gentleman from South Carolina had, however, not only determined upon the propriety of the addition, but also the sum it would raise. He himself had no documents for coming to these conclusions.

The most powerful objection which had been urged against direct taxes was the difficulty of collecting the money. He believed this difficulty existed at present also in sea-ports. This difficulty of collecting money in the country was not applicable to a direct tax only, but to all others; but, he said, in the present situation of our cities, he believed there was not more difficulty in collecting money in the country than in cities.

As to the manner in which such a tax could fall, it would, like others, fall upon the people. He did not mean to take notice of what had been said about the mode of assessment; that was a matter of detail not at present before them. This, he said, he knew, from the experience of his State, that the difficulties attending such a system would be infinitely less than had been stated by the

gentleman from South Carolina. The expense of collecting a tax thus drawn from the people, was simply that of assessing and collecting; but, to an indirect tax, were to be added the profits which the merchant never failed to lay upon the tax, and this profit operated as an additional tax upon the people.

In Pennsylvania, he said, where yearly assessments were made, (and not once in three years, as was said by the Secretary of the Treasury in his report,) the expense was not more than $7\frac{1}{2}$ per cent. If, upon a full examination of the subject, it was found impossible to raise the imposts, and if they rejected a tax upon land, he did not see what object they could apply to, except a tax on salt. This, he allowed, would be easily collected, and easily resorted to. Nearly 3,000,000 of bushels were imported annually, 500,000 of which, he supposed were employed in salting provisions. Lay what duty they would upon this article, it must be paid. There could be no doubt as to the productiveness of such a tax, but was there not some as to the propriety of it? And when they were told a tax upon land would fall upon farmers, he would ask, Upon whom a tax on salt would fall? It was consumed by men or by cattle. When it was consumed by men, it would fall upon them, in proportion to their numbers. If there was any difference, it would fall heaviest on the poorer classes—particularly upon the farmer, as much the largest quantity was consumed by him. So far as salt was consumed by men, the tax would operate as a poll-tax, according to numbers, and not to wealth. But, was a tax that would fall upon cattle to be encouraged in this country? Indeed, there was not much difference between the salt's being consumed by the farmer or by his stock; and the gentleman from South Carolina was not less mistaken about the quantity of salt given to cattle than about some other things. What would be the effect? It would either raise the price of cattle, or the quantity of salt now used would be diminished. If a reduction in quantity was to be the consequence, no effect could be more pernicious; and if it were not to have that effect, but to increase the price of cattle, would there be much justice or policy in adopting any measure which should have the effect to advance the price of butcher's meat, or to decrease the export of cattle? which was the only export from this country which was at present upon the increase—an export which had, within the last six years, been doubled.

Again: that tax, he said, would not only fall equally upon the people, but also upon different districts of country. He would say that if he were to choose between a tax on salt and one on land, he should certainly prefer the latter, since the inhabitants of his district would be four times more affected by one than the other; because, being very remote from market, their land is, of course, of comparatively small value; but they use more salt than persons living nearer the shore, and would consequently pay twice as much, according to their numbers, as persons nearer to the market, while, in a land tax, they would only pay one-half, in proportion to their number; because their land

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was of less value, in proportion to that of an equal number of persons living near the sea-ports.

Nor was this all: he looked upon a tax on salt of so unequal a nature, that there was scarcely any tax which he would not sooner agree to. You may, said he, lay burdens upon people to a certain amount, and they will be borne; but the moment you add to them, you upset the whole. In parts very remote from the sea, salt was at an enormous price. It might be said, the increase of a few cents could not be much; but it would—and if it were increased ever so little, it would—be impossible to pay it.

Having made these observations on salt, he would readily agree with gentlemen that a direct tax was not a very agreeable thing. He felt himself, and he knew his constituents would feel, that it was worse than no tax at all; but, he believed, except the impost on some articles could be advanced, they had no resource but in direct taxes.

If they find a tax on salt, or upon stamps (a most odious thing) cannot be laid, they must have recourse to a direct tax; and if it could be done with propriety, it should be done.

He would notice only one remark which fell from the gentleman from N. Jersey, [Mr. HENDERSON.] He mentioned three articles upon which additional impost might be laid, viz: clocks, watches, and tea. He said he ought to have credit for his ingenuity, since those were three articles which were more smuggled into the United States than any other; and the duty upon which, on that account, it had been contemplated to lower. He had also mentioned the sale of public land. He believed no great expectations could be had from that quarter, as no townships were expected at present to be sold. Besides, if money should arise from the sale of land, it could not go to pay the eight per cents.: they must be paid out of the revenue. On reference to the act, this would be seen.

Mr. G. concluded, by saying, he did not mean at present to enter more into the subject of direct taxation, as what he had heard against the system was of so trifling a nature as not to deserve particular notice.

At this point the Committee rose, and had leave to sit again.

TUESDAY, January 17.

After disposing of some petitions—

Mr. MADISON moved that the House should resolve itself into a Committee of the Whole on the Algerine subject, for which purpose he supposed, it would be necessary to clear the House and galleries. They were accordingly cleared, and this subject occupied the House for the remainder of the sitting.

WEDNESDAY, January 18.

KIDNAPPING NEGROES.

Mr. SWANWICK, from the Committee of Commerce and Manufactures, to whom was recommit-
ted a report on the subject of kidnapping negroes and mulattoes, made another report on that subject,

recommending a resolution to the following effect, viz:

Resolved, That it is not expedient for this House to interfere with any existing law of the States on this subject."

Mr. SWANWICK observed, that this report was contrary to his opinion on the business, but as the committee had been pretty unanimous in their opinion of the propriety of thus reporting, he should not object to its being concurred in.

Mr. HARTLEY thought the subject important, and such as ought to be decided upon immediately.

Mr. GALLATIN moved that the report should be committed to a Committee of the Whole, and Mr. SITGREAVES seconded the motion. It was accordingly committed to a Committee of the Whole on Wednesday next.

ADDITIONAL REVENUE.

The House then went into a Committee of the Whole on the subject of further revenue.

Mr. WILLIAMS said, he could have wished that the motion for postponing this business had succeeded, in order that the House might have gone into a Committee of the Whole on the report respecting the Military Establishment, in order that it might have been ascertained whether certain deductions which were contemplated would not take place. He trusted they would, which together with certain deductions from the Naval Establishment, would considerably reduce the sum proposed to be raised by a direct tax. He thought, therefore, it had been better to have gone into the subject of appropriations before they came to a conclusion on the present business. For his own part, he said, whatever sum might be wanted, it was his opinion that it would be best to raise it by indirect taxes, since he could not consent to go into a system of direct taxation until indirect taxes should be exhausted. But he believed if the present revenue was not diminished by unforeseen difficulties, it would prove equal to all the demands which might come against it. This being the case, it was only necessary for them to organize a direct tax in order to have it ready to be resorted to in case of necessity; and, in that case, our citizens would meet it with cheerfulness. He was confident that our Government could be supported by direct taxes, and he wished to convince other Powers that this was the case. He despised cringing to any nation. Let them interrupt our commerce, yet, on our own ground, we can defend ourselves.

It appeared to him that a deduction might be made from the Naval Department of \$218,120, which was the estimate for seamen, since the vessels were not built, nor would be for this year. In the report of the committee to whom it was referred to inquire whether any, and what, amendments were necessary in the act for the Military Establishment, it was to be recommended to strike out the dragoons and to add eight privates to the infantry; but he thought these would not be wanted in the Peace Establishment; there would, therefore, be a deduction of the dragoons. There might, also, be great deduction in the Com-

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missary's Department, so that in the Military and Naval Departments there might be a deduction of from six to eight hundred thousand dollars, probably more; and, if so, a small sum would only be wanting. But, if it should be supposed otherwise, then it would be necessary to cast about for the best means of raising the money. He believed the mode proposed by the gentleman from South Carolina [Mr. HARPER] for an increase to certain of the impost duties would be the best. A considerable augmentation might be made to the present revenue from foreign spirits imported. It would not, he supposed, be proper to augment the impost duty, because it might lead to smuggling, but an additional duty might be raised from it by way of excise.

The present system of excise on wine and spirits was unequal, and only one-fourth part so productive as it might be. And, indeed, if by an increase of duty only one-third of the quantity should be used the health and morals of the people would be less injured. At present it was notorious that many of the Europeans, coming into this country, and finding spirits at so low a price, fell into the immoderate use of them, and thereby rendered themselves incapable of being useful as artisans or farmers. Any tax, therefore, which would have a tendency to prevent this excess, would not only benefit the revenue, but preserve the morals of the people. Mr. W. had it from the best authority that, in the last war, one of the best British regiments, lying at Albany, though when they came there they were a sober and discreet set of men, by reason of their being able to get spirits at a very low price, they could not refrain from the use of them, and became mere sots.

The present mode of collecting the duty on foreign spirits was unequal; because five dollars were paid for a license to authorize a person to sell spirits, and the like sum for wine, and one who sold only thirty gallons in a year paid as much as he who sold fifty times as much. This license laid hard upon the lower class of people in the country; because, in the interior of the country, a retailer may not sell more than thirty gallons a year, which would mostly be used by sick persons, and consequently the tax fell very unequally; but if persons were to pay in proportion to the quantity sold, the produce, which at present was \$58,000, might be increased to three or four times as much.

It has been supposed that an additional duty might be raised on salt; but, as it had been justly stated by the gentleman from Pennsylvania, [Mr. GALLATIN,] it was necessary to act with caution in taxing that article, because it would fall very unequally. As far as it was used by man it would operate as a poll-tax; but, with respect to cattle, the further they were removed from the seacoast the more salt was necessary to be given to them. The farmer near the seacoast used no salt for his cattle, but those in the remote parts of the Union were obliged to use considerable quantities at a very high price. An additional duty on salt would, therefore, be more burdensome to farmers

in general than would be a land tax. The only recommendation which a duty on this article would have is, that it would be certain; but, as it operated so unequally, this tax ought not to be gone into, or at least no great augmentation should be made. If a land tax was not agreed to, however, a small addition might be made to the present duty.

Admitting that the plan proposed by the gentleman from South Carolina, of additional imposts be the best, the Committee of Ways and Means might be left to judge upon what articles an increase of duty would be most proper. He should wish it to be made chiefly upon articles of luxury and expense, but would leave any calculation upon the subject to the Committee of Ways and Means.

He understood \$60,000 had been received for lands, sold agreeably to the act of last session; if that act had allowed the apportionment of the land in small lots, as was then suggested, much more of it would have been sold. As the opinion of the majority had, however, been found to be wrong, he trusted it would be remedied this session, that the sales might go on again, and that some very considerable support might be had from that quarter.

In levying taxes we ought to have two objects in view, viz: the strength and wealth of our nation; as to the strength of our nation, it was derived from the number of its inhabitants; its wealth from the surplus produced by agriculture. They should, therefore, be especially careful how they made infringements on agriculture.

History, Mr. W. said, informed them of the annihilation of nations by means of direct taxation. He referred gentlemen to the situation of the Roman Empire in its innocence, and asked them whether they had any direct taxes? No. Indirect taxes and taxes upon luxuries and spices from the Indies were their sources of revenue; but, as soon as they changed their system to direct taxation, it operated to their ruin; their children were sold as slaves, and the Empire fell from its splendor. Shall we then follow this system? He trusted not.

Mr. W. said, notwithstanding his objections to direct taxes being adopted at the present time, he had no objection to the organization of a plan which might be resorted to in case of any unforeseen embarrassments befalling our commerce.

They ought to consider, he said, that the Constitution of the United States guaranteed to each individual State a Republican form of Government. Some of those Governments were supported by direct taxes, and the reason was obvious, they had no other means of raising the money.

This being the case, and the Constitution of the United States having guaranteed that right, how, he asked, were those States who supported their Governments by direct taxes at present, to answer the demands of both claims upon their lands?

A tax on land, Mr. W. said, must be very unequal, because there was no way of reaching the moneyed men, who lived in great cities; and, though large holders of land, their land was in

the hands of their tenants, who must pay the tax. There would not be less than fifty millions of property which would escape a tax of this kind. The tax would, therefore, be unequal; and he knew of no way of coming at moneyed men, unless, as in some of the States, men should be obliged to come forward and swear to the sums of money they had on interest. But this was multiplying oaths to no effect.

Besides, Mr. W. said, our country was so situated that there was great difficulty in getting a land tax with any certainty in the State of Delaware; Rhode Island, Connecticut, and great parts of New Jersey, it might be got at valuation; but in other parts it operated very unequally. Nor did he agree with the gentleman from Pennsylvania [Mr. SWANWICK] that the land tax in England did not operate equally. The land tax there was laid by valuation. It was true that it was estimated in the *Doomsday Book*; but, though it was unequal at first, it had been remedied by time, because, when land was transferred from one hand to another, it was bought according to the high or low price at which it was taxed. If it was valued high, it sold proportionably low; and, if low, high in proportion; but, in a new country like ours, it was impossible to lay a land tax with any degree of accuracy. In European countries the commonalty did not hold land—it was in a few hands; but was this the case here, or was it wished to be so? Here the community at large held land. Every man, comparatively speaking, held his farm; or, if they found a difficulty in getting it, they went back into the country and assisted in clearing fresh land. Nor ought this desire of possessing land to be checked.

Another thing, he said, they ought not to lay a tax that one citizen should live upon another. Although the gentleman from Pennsylvania [Mr. GALLATIN] supposed it would not cost more than seven and a half per cent., he believed it would cost more than 30 per cent.; and, if so, the public officers live upon those people who pay the tax.

Mr. W. said, it was notorious that we had already too many officers. Let any gentleman take up "Neckar on the Finances of France," and it would be found that there were more officers in this Government than in France, in proportion to the number of its inhabitants, before the Revolution. He hoped, therefore, they would not be increased. Besides, in thus creating officers, the frugality and economy of a Republican Government was in a great degree destroyed.

But, it was said, by mercantile gentlemen, that the farmer did not pay his proportion of taxes. Very few observations, he thought, would prove this. The common farmer paid a tax according to his crop. If he had but an indifferent crop he bought but little merchandise; but if he had a good crop, he parted with his money freely. Sometimes, indeed, they got credit from the merchant, upon the prospect of a good crop, and, if they were disappointed, distress and ruin were sometimes the consequence.

It was well observed by the gentleman from Pennsylvania [Mr. GALLATIN] that the only diffi-

culty there was in collecting taxes from farmers was owing to the want of circulating medium. The common farmer, he observed, had little to do with money—he lived mostly by bartering one thing for another. A common mechanic in town had more money through his hands than a farmer in the country.

But, said the gentleman from Pennsylvania, [Mr. SWANWICK,] the farmers are becoming rich. Suppose they are, were not persons in cities also growing rich? Did lands in the country, he asked, rise equally with lots in the city? Did the rents of farmers increase with the houses in the city? He believed not; but the advantage was in favor of cities. He would ask, how many farms in the country let for a sum equal to that gentleman's hotel and circus over the way, viz: £500 a year? That gentleman had charged gentlemen with voting away money for the Federal city and other purposes with unconcern, because the money was raised from commerce. But, he would ask, whether the farmers voted for building frigates, and what his observations were when voting for a Naval Armament, a Treaty with Algiers, &c.? These were not for the interest of the farmer, and still there was no difficulty in raising money for these purposes. The next view that gentleman took was on the banks of the Hudson, to see the farmers there sit at their ease, while the poor merchant could not sleep for fear of his property at sea. If that gentleman was fond of a rural life, he should be glad if he would come and live beside him—it might add value to their country. He had no objection to his enjoying his pleasure in the way he liked best, and he hoped he would permit them to enjoy theirs, which he believed equal to any thing which could be found in all the luxuries of a city.

It had been said, that it could not be supposed that a farmer paid any part of the duty of goods sold by auction. If the merchant, he said, made bad calculations, and ordered more goods than he could dispose of, was the farmer to be injured because of this folly? The farmer sometimes miscalculated as well as the merchant, and was sometimes obliged to sell the whole of his produce and his farm too to pay his debt. But would gentlemen say that merchants had not gone on wrong principles, and, instead of making their remittances in proper time, had gone into land speculations, and some of them having gone into the carrying of contraband articles, had, from step to step, augmented our difficulties.

Merchants, he said, should follow their true interests, and then they would not be embarrassed and obliged to send their goods to vendue to make good their payments at the banks; but, if they would not attend to their business, could the farmer help it? For his own part, he viewed all these matters as tending to one point; things would, by-and-by, find their level. The merchant would find his true interest; the country was growing rich; luxury and dissipation, he believed, had overrun population; but he expected things would soon remedy themselves.

He was willing that the system of direct taxa-

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tion should be brought forward and organized, that, at a proper time, it might be carried into effect.

He thought differently from the gentleman from Pennsylvania with respect to the effect of a land tax on emigration. The fertility and salubrity of the climate were such as to tempt people to come to this country, but a land tax would rather deter, than encourage emigration. Mr. W. wished to encourage commerce as far as was consistent; but not so as to injure agriculture. The wealth of this country, he said, arose from agriculture; it was from the surpluse of agriculture that all our importations, and, consequently, the imposts were paid for. Should they, then, check it? It was from agriculture and rural life that population was increased; from agriculture, the Militia, the bulwark of our nation, was supported; and whilst it furnished freight for our own vessels and those of foreign countries, (the fisheries excepted,) should they check it? He thought not. He hoped, therefore, they should do nothing more at present than organize the system. This being done, we can have recourse thereto, in case our commerce should be interrupted, or indirect taxation be found insufficient.

Mr. CRAIK said, he should not follow gentlemen through all the arguments used on this occasion, because he thought a greater part of them inapplicable. He believed the question before them was one of the most important which had been agitated in that House since the adoption of the present Government. And, however gentlemen had attempted, by the course of their arguments, to divert the attention of the Committee from it, he hoped they would not succeed. He trusted the ingenious calculations of the gentleman from Massachusetts [Mr. VARNUM] intended to lead the Committee to believe that, instead of improving the revenue, they might look out for objects of expense, as the revenue was more than sufficient to defray the current expenses, would have little effect. And when told by the gentleman from New Jersey [Mr. HENDERSON] that it would be a subject of great irritation; that it was an unpopular question; that the public was not ready for it; it was enough to alarm the House; but he trusted such insinuations would have no influence upon the decision of the question.

He thought the good sense and understanding of the House, exercised upon the materials before them, would point out the necessity of entering fully into the present business. There could be little doubt, he said, that revenue was really wanted. He believed, that the incorrect statement of the gentleman from Massachusetts [Mr. VARNUM] had been sufficiently exposed by the gentleman from Pennsylvania, [Mr. GALLATIN.] The only organized system, grounded upon an opinion that revenue was wanting, was that which had been introduced by the gentleman from South Carolina [Mr. HARPER] and he thought, from the principles contained in that plan, the question before them had a strong claim to attention. He believed that resolution went to establish the

principle of necessity to go into the plan proposed by the present report.

The observations which had been made on the present question, went no more to the quantum of revenue, than to the principle itself. When they were told they were not to meet the present proposition, because it would be unpopular; because viewed as an engine of Government—an unwieldy machine in the hands of Government, not to be brought into operation—such expressions might create alarm; but it was necessary to see how they were founded.

Mr. CRAIK said, when he looked at the situation of the revenue, and saw the reliance which was placed on foreign resources, he was convinced of the necessity of adopting the present measure; and when he reflected on the motion for putting off the present question by means of extending the indirect taxes, he was disposed to apologize for the present system of revenue laws. He believed they owed their origin to existing circumstances. When the present Federal Government was erected, it was considered in the nature of an experiment; it went into operation with fear and hope; many were opposed to it; and it might be considered wise and politic at the time, that the people should have an opportunity afforded to examine the system, and that nothing should be proposed to them of an irritating nature, but that everything should be carried on in as easy a manner as possible. It was probably on this account that a system of direct taxes was not proposed to the people at an earlier period.

He believed that it was a measure of policy, which could not be questioned, that every Government ought to arrange its taxes, so that every man of property should pay his equal proportion of them. He believed that it was necessary for that purpose to have both a plan of direct and indirect taxation in operation at the same time, as when every man bore his proportion of the public expense, it drew tighter the bands of connexion between the people and the Government. Was there, he asked, a gentleman in that House, whose observations did not furnish him with instances, under the present system, of wealthy, independent farmers, selling, perhaps, from a thousand to fifteen hundred bushels of wheat a year, who were so insulated by their situation, their economy and frugality, as to make their own clothes, to eat their own produce, and to drink the juice of their own fruit, and who, therefore, pay nothing towards the expenses of Government, except a few cents duty upon the salt used? Was it, he asked, right and proper, that such a description of persons should be excused from bearing a portion of the public burdens? He thought it was not. This afforded one reason, amongst many, in favor of originating direct taxes. But there were others more weighty. Was there a man who looked at the situation of our country, and saw the precarious foundation on which its finances stood, who did not tremble for the consequences? It was not necessary, he said, to draw an imaginary picture, nor to excite alarm; it was not necessary to go into calculations of what was proba-

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ble; to be respected abroad, it was necessary revenue should be firmly established. He believed it was the sinew of Government, the oil which was to keep the wheels of it in motion.

He was afraid this view of the subject had not sufficiently engaged the attention of gentlemen. When he read the accounts in the public prints of flagrant attacks made upon our commerce; when he not only saw depredations and spoliations committed, but actual hostilities threatened, he thought there was serious ground for alarm.

One of the strong objections to a direct tax was, that we could not expect immediate revenue from that source; but the force of this objection applied with equal strength to the adoption of any energetic measure. If it required time to mature this plan, it was necessary to begin it immediately, that it might be gradually prepared, and ready whenever necessity should impel them to have recourse to it; for it would be presumption, and the height of folly, to suppose we should always be exempt from what was the common lot of other nations. The propriety of the measure of increasing our revenue, had been agreed on all hands, however gentlemen differed about the mode of effecting it. It appeared to him essentially necessary to originate some plan of direct taxation to which they might resort. If it be admitted that such a plan is necessary, though not to be carried into immediate effect, the present question ought to be agreed to.

If he understood the gentlemen from New York, New Jersey, and South Carolina, [Mr. WILLIAMS, Mr. HENDERSON, and Mr. HARPER,] all agreed, that further revenue was necessary, and two of the gentlemen were in favor of originating a plan of direct taxes. The question then resulted, to what object of direct taxation should they apply? They were an agricultural people, and the great capital of the country was in land. If a direct tax, then, must be laid, land was the proper object for it. He considered that the farmers, notwithstanding their want of ready money, when compared with the inhabitants of cities, as possessed of a great part of the wealth of the country, and that they ought, therefore, to pay their quota of the public taxes.

It might be necessary, Mr. C. said, to examine some of the objections which had been made to this system. And here, he would observe, that gentlemen ought not to expect anything like perfection in any scheme of taxation. Taxes were only a choice of evils; they were unpleasant, but they were necessary. It had been objected against a direct tax, that it was unequal, on account of a variety of population, wealth, and situation. Gentlemen had not been satisfied with supposing that a bad plan might be adopted; they had supposed the very worst to be entered into; that the assessors to be appointed would be the basest of men; but he trusted the committee, who was charged with this matter, would have the good sense to prepare such a plan as should be freed from many of the objections which had been brought against it.

Mr. C. differed in opinion from the gentleman

from South Carolina [Mr. HARPER] that this tax would bear hardest upon the farmers far removed from the sea-coast. He believed they would rather have the advantage than otherwise, from the low value put upon their lands. The expense of collection had been urged as an objection. He had been much surprised to hear gentlemen calculate that expense, one at fifteen and one at thirty per cent. He wondered that the general accuracy of those gentlemen should have suffered them to have wandered so much from the point on this occasion. He believed the estimate of the gentleman from Pennsylvania [Mr. GALLATIN] was a high one at $7\frac{1}{2}$ per cent. An objection of this kind was less applicable to land, than to taxes on any other species of property.

A tax on windows, or a hearth tax, had been proposed as a substitute, which would, in fact, be nothing more than a house tax. He thought that such a tax was liable to every objection that could be made against a tax on land, and to a great many others peculiar to themselves. Houses were an equivocal representation of property, and a tax on them would fall on some parts of the country much heavier than on others. Indeed, it was susceptible of so many obvious objections, that they were not necessary to be detailed.

Mr. C. said, he did not conceive it important to go into an inquiry how far it was prudent or politic to go into an extension of the imposts, as he had no authority on which to found his opinion; and he would caution gentlemen from being diverted from the question by an expectation of an increased revenue from thence. It had been proved very satisfactorily by the gentleman from Pennsylvania [Mr. GALLATIN] that there was no certainty of an advance in the imposts. Upon a calculation of the duties paid upon goods from the East Indies, West Indies, and Europe, they amounted, at least, to sixteen per cent., and were gentlemen prepared to say that even this duty might not prove a temptation to merchants to become smugglers?

Many would turn their speculations on this subject, if they had such prospect of success as any considerable duty would give them; it had been the case. He said, merchants were not to be considered a distinct order of beings: they were, at present, the treasurers of our taxes; if the revenue became too heavy, they would be induced to rob the nation of it. However, he meant not to cast any reflections on gentlemen of that calling; he thought they were honest men, and deserving acknowledgments from the House; he wished to avoid throwing out a temptation.

The question was an abstract principle, and did not pledge gentlemen to this source of taxation only; if others could be found more eligible, they might be applied to.

It would be proper, in the first place, to draw upon that source for considerable revenue. But that Government may never want a resource, he would wish a system of direct taxation may be prepared, to which recourse may be had. He would be willing not to apply to it, if an increase of indirect tax would not be too burdensome, and

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he believed the gentleman who first introduced it would be of the same mind. He wished the House to decide whether the power was vested in them. The situation of our affairs, in his view, imperiously demanded an increase of revenue; and our prospects were, of still greater demands.

He hoped, therefore, the Committee would find no difficulty in agreeing to the proposition before them.

Mr. W. LYMAN said, a land tax had always been considered as an impolitic tax. It would be well to inquire why this tax should have been so considered; whether the whole world had erred in this case, or there was some natural cause for the opinion? He thought there was good ground for the opinion. A tax on land was calling forth property before it was produced; for, until land was cultivated, it produced nothing. To call for a tax in this way had also a tendency to discourage the cultivation of land.

Mr. L. said, he admitted that the consumer paid indirect taxes; that they did not come from the merchant, but from the person who purchased the goods for consumption. Nor was it the persons who cultivated the ground who paid a direct tax on land, but those who bought the produce of the land from the market. The consumer paid the duty in this case as well as the other.

The question, then, he said, was merely as to the best mode. There was another consideration. If, said he, you call for a direct tax on land, you call upon a class of people, who, perhaps, have not money to discharge it. A man who possesses land, or who is the cultivator of it, may not have money, until he has sold his produce. To collect the tax in this way, was therefore tedious, circuitous, and uncertain. What was the case with respect to indirect taxes? In indirect taxes, or excise, the process, he said, was unerring and certain. They were so much so, that an eminent writer on the subject had said, it was "pay the debt to Government, or pay the debt to Nature." The tax must be paid, or the person must cease to exist.

When he contemplated the subject in this point of view, and if he were right, that direct taxes were paid by the consumer as well as indirect taxes, he could not be at a loss what vote to give on the present occasion.

In whatever point of view he considered direct taxes, they could not, in his opinion, be compared with indirect taxes. It was true, that some indirect taxes, and all taxes in a greater or less degree, were unpopular; but this never happened but when they were pushed too far. An impost or an excise may be so excessive as to be inconvenient; but this, he said, was not the nature of the tax.

This, he said, was not the case with a direct, or land tax. This, though ever so small, was paid unwillingly; a poll-tax was the same. And a man called upon to pay a poll-tax did not ultimately pay the tax; for a poor man who earned only just sufficient for his existence, would cease to exist, if he were not to make a proportionable advance on his labor.

In what situation was Government? It calls upon a man to pay a direct tax, who is perhaps unable to pay it. This mode, he said, was circuitous, unsafe, and not to be relied upon.

This reflection convinced him that this country had chosen indirect taxes as the best possible mode. He thought it had made a wise choice. He knew very well that a case might be stated in which a direct tax would be necessary. A case might be supposed in which every thing might be put in requisition. But that was not the present question. In case of an invasion, or a war, it might be necessary both to put property and persons in a state of requisition. He would not pretend to say, that, in such a situation, direct taxes, or any other, would not be proper; but, in no other situation, could he think such a tax should be called for.

Some gentlemen, opposed to the adoption of a direct tax at present, were of opinion that they should at least agree upon a plan of direct taxation which might be ready in case of emergency. But he did not think such a proceeding necessary, or that it would answer any good purpose. He believed it would never be necessary to go into the business, except in an extreme case. He therefore did not think it worth while; for, however well a plan might now be laid, it might be unfit to be acted upon when it was wanted. Whoever might compose the Legislature at such a time, they would doubtless be able to determine what was necessary. He was not for anticipating legislation in that way.

Besides these general observations, which were applicable to all countries, there was one which applied particularly to the United States. If a direct tax was laid, it must be according to the last census. In this way the tax would fall very unequally; for it would be found that the population in some parts of the United States exceeded that of other parts in proportion to the extent of the territory, and wealth, and productiveness of soil. Wherever commerce had extended to a considerable degree, the landed interest would be taxed on account of the population which those improvements may have produced. Population, was, perhaps, as sure a mean of judging as any other, of the ability to pay, of any district; but from the situation of the United States, it was not a good criterion at present.

Coming from the State he did, he should be obliged, if he did not generally object to the system of direct taxation, to object to it on that account. He did not think a direct tax would comport with the interest of a populous State. If gentlemen thought such a tax would fall heavy or unequal in thinly inhabited States, he must give up his argument; but he did not believe this could be the case.

He might have said that direct taxes were individually unequal, unless upon the principle that consumers pay the duty. It was not in human wisdom to lay a direct tax equal. But it was said, that money must be paid, that there was a deficiency in the revenue, and therefore this tax must be laid. Several gentlemen had proved that

there might be considerable retrenchments made in the public expenditure; perhaps enough to make the receipts equal to the expenditures. They had not yet determined how far the Military and Naval Establishment might be curtailed, and several other articles of expense would admit of retrenchment. Besides, if that were not the case, and the sum in question must be raised, he thought there were certain articles of importation which would admit of a higher duty, and which would not only produce revenue, but operate as an encouragement of the manufactures of our own country.

It will be recollected that petitions had been received from hat and glass manufacturers, and various others, praying for an augmentation of duty on those articles, as they found the present duty not a sufficient protection to their manufactures. Indeed, the manufactures of the United States were almost wholly abandoned. Those of glass and woollens were abandoned; those of cotton, which had progressed to some extent, had, in a considerable degree, been abandoned, and some thought others were likely to be so. For his part, he thought if they had no other object in view than merely the protection of the manufactures of the United States, they should impose a higher duty on a number of articles. He had been informed from pretty good authority, that the importation of hats into this city alone had, last year, exceeded thirty thousand pounds sterling, and that porter had for the last two years exceeded any former importations. The importation of coal was also increasing. When it was considered that our own country furnished materials for these articles, policy and interest required that there should be a high duty upon them. These articles were so bulky as to run no risk of being smuggled. If this were not the case, he knew that a revenue calculation might prove the reverse of a mathematical calculation; for, in a mathematical calculation, two and two make four, but in this revenue four and four would not make two. But, when articles were sufficiently bulky, the duty might be increased to any height without danger of smuggling. Let the duty be what it would on porter, on coal, and almost on hats, there need be no fear of smuggling.

There was another article. He believed the duty on rum imported might be increased. It would have one of two good effects; it would either produce more revenue, or less would be consumed.

Mr. L. said, he should, therefore, vote against the principle, as it was not possible so to detail it as to comport with the interests of the country: besides, that it was not necessary to resort to this article of taxation, as the imposts and excise might be so regulated as to produce a revenue sufficient.

The article of salt had been mentioned as a proper article for an additional duty. He knew it was productive; but it could never be the interest of any country to tax salt; he thought it the most oppressive that could be laid: this was truly a Ministerial tax. He would not, therefore, be un-

derstood to say, that, in voting against a direct tax, he meant to vote for a tax on salt. He thought, indeed, that there were so many other articles which would admit of a higher duty, that there was no necessity for resorting to that. It would really be an extraordinary thing, if, after declaring this country free and prosperous beyond all calculation, it should be brought into such a situation, as that nothing could save it but direct taxation. He fondly hoped, said Mr. L., we were a free, enlightened, and flourishing country. He wished he could say that the Government had used our peculiar advantages to the best purpose; but every one viewing the proposition before them must be of a different opinion. We must either believe the United States are not prosperous, or that the natural causes of our prosperity had been defeated.

Mr. L. said, he did not mean to take up longer time of the Committee, the subject having already undergone a very copious discussion.

Mr. FINDLEY hoped as the tax, which was the subject of their discussion, had been so long in contemplation, that members would have been more ready to have met it. It was admitted the last session to be necessary, and the Secretary of the Treasury had been directed to report a plan. At that time they were convinced more revenue was wanted; that by anticipations, and other causes, we were in a situation to require a direct tax; but now they heard that the tax was impracticable, unwise, impolitic, and unjust.

He objected to its being impracticable; indeed, this had rather been suggested than proved, and he had been surprised to hear such a charge. To say that so important a thing as the laying of a tax on land was impracticable, was a most extraordinary assertion; but he trusted, as it had been found perfectly practicable in most of the States, it would be found perfectly practicable with us. It had been perfectly practicable, and most effectual, he said, in the State of Pennsylvania; and if so there, why not practicable in the present way?

The gentleman from Massachusetts (Mr. W. LYMAN) had said that in some parts of the country the people were more numerous than in others; and that a direct tax would call upon them to pay according to their numbers. Were not the manufacturers, he said, who might pay this, exempted from the impost duty, which would be equal to the direct tax which they were called upon to pay? And, indeed, if they were called upon for a direct tax they would pay no tax at all. But, with respect to individual injury, it would be as just as any other tax: the principle was more just, because land would be taxed only in proportion to its value. No indirect tax would operate equally, but would be more unequal than this.

But it was said, this tax would fall upon the consumer only. He differed in opinion from the gentleman from Massachusetts in this respect. Wealth and industry, Mr. F. said, must pay taxes. Industry was the cause of wealth. A tax may

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be levied upon the poll, but it must be paid out of wealth.

But it was said, wealth could not be found: it could not be found, it was true, in all its avenues; but in those in which it was visible and exposed. Was there a greater mass of wealth than land? Certainly not. It was said that it discouraged cultivation; but it did no such thing.

Mr. F. said, Pennsylvania had always been in the habit of collecting direct taxes, while a Colony and since. This tax had the effect to prevent the land from being engrossed, and kept it in small tracts. Direct taxes were not imposed until indirect taxes had been tried to the greatest extent.

Mr. F. said, there were greater landed estates than any other; and why should they escape a tax? It could not be supposed that he could advocate this tax from any other motive than principle, since the whole of his property and that of his constituents was land; but, said he, we consider it as a just and equal tax. It is not unpopular; we think it preferable to an indirect tax. People in towns, he said, paid for every thing they eat, drink, or wear, and therefore paid most of the impost duty; they did not pay much of it, and therefore would not object to a small tax on their land.

Mr. F. said, he had observed a contest in that House between the agricultural and trading interests. He had thought it was too early a day to have introduced that kind of spirit. If they took a view of the country, or of the members in that House, they found one and the other almost altogether agricultural. It was certainly the most productive property in the Union, and why should it not pay its share of the public expense?

The prosperity of the commercial interests depended principally on agriculture, and a direct tax was necessary to equalize the taxes.

Salt had been mentioned for an additional duty. This was a most necessary article for the poor; sugar also, though it had been called a luxury; but he believed it was become from habit a necessary of life. Bohea tea was an article used by the poorer classes also. If this principle of taxing the poor prevailed in our taxes; if they were to take taxes where they could get them, he did not know where they should stop.

Was it not a little surprising, said Mr. F., to see the members of that House, whose estates were mostly in land, so desirous of avoiding a land tax? How would this look to the people? Would it not appear as if they were determined to put off the burden from their own shoulders?

For his part, he was so convinced, from moral and political ground, of the necessity and policy of the measure, that he should vote for the resolution.

A call for the question and for the Committee to rise was made.

Mr. W. SMITH wished to say a few words before the question was taken. He said the discussion had turned upon points not before the Committee, viz: the quantity of revenue wanted, which would be determined, if the principle was

agreed upon, when the bill should be brought in, in filling up the blanks, as would also the modification of the business. The only questions before them, were, was revenue wanted? And whether, if wanted, direct or indirect sources should be applied to for the money?

All, except one gentleman, who had spoken upon the subject, acknowledged revenue to be wanted. With respect to the mode by which it should be raised, gentlemen opposed to direct taxes, had laid before them a number of suggestions; but the resolution of his colleague [Mr. HARPER] was the only plan which was regularly before them; he should therefore not notice any other; as gentlemen who were serious in any of their suggestions ought to bring them regularly before the Committee.

With respect to the proposition of his colleague, it might perhaps be possible to raise some little from an advance of duty on the articles he had mentioned; but the only thing of consequence in his list was salt, against taxing which the opposition seemed to be pretty general. With respect to a duty on stamps, he did not believe that would be a measure which would meet with the approbation of the Committee; and the window tax was only a land tax in another form, vastly more objectionable than the proposition before them. With respect to imposts, they were on an average 16 per cent. He believed that would be thought sufficiently high. Indeed, he had been informed that the duty on some articles was already so high, that it would be necessary to reduce it, in order to prevent their being smuggled; so that what might be raised by impost on one article, would only go to balance what might be taken off from another, and therefore no additional revenue could be expected from that source.

Mr. S. said he should mention a circumstance, which he had from good authority, which would prove that the present duty was not paid with that facility which they had heard of, viz: that in one city only of the United States three hundred writs had been issued against merchants, for the recovery of their bonded duties!

If this was a fact, (and he could not doubt it,) he did not think this was a proper time to increase the duty on imposts. With respect to direct taxes, he was a little surprised to hear the opposition which had been raised to them, since, in every State except two, a plan of this kind was adopted. How the idea of a direct tax being an impracticable measure came to be thrown out, he could not imagine. He was sorry it had been mentioned, since it might have an effect to weaken the confidence in Government. With respect to what had been said on the subject of modification, that would be matter for future consideration. The only questions were, (what he had already stated,) Was revenue wanted? If it was, whether they were ready to adopt the plan proposed by his colleague, or agree to a direct tax? He hoped, therefore, they should then come to a decision upon the question.

The calls for the question, and the Committee to rise, were again repeated.

Mr. HARPER said he felt an apology necessary for again troubling the Committee with a few remarks, but he promised they should be as few as possible. He thought it necessary to make a few in reply to certain things which had been advanced against the proposition which he had laid upon the table.

It was said that they were not able at present to make an accurate judgment upon the subject. He thought they were. Some parts of his plan, he said, had been placed in a light by no means consonant with the truth of the case. It was necessary, therefore, to correct some false views which had been given of the subject, and place them in their true light.

A member from Pennsylvania [Mr. GALLATIN] yesterday stated that all the calculations which he had made on the subject of imposts were wholly imperfect and vain, because they were made on duties receivable instead of received at the custom-house, and that the amount of duties received was very far below his estimate. But the gentleman ought to have recollected that those estimates were not calculated upon any one year, but upon the average produce of several years; consequently, though the amount in one year might be less, the average would be the same, and the truth of his position that the duties were increasing would remain unaffected. Whether the amount of the receipts was eight or five millions, it made no difference as to his position.

If the drawback, he said, was taken for any one year, it would be erroneous, as the deductions for 1795 went to the year 1796, and so on; but when the average on several years was taken, it would be found right.

He had asserted that his statements would not be greatly affected either by war or peace; nor did he believe they would, to any considerable extent. But the gentleman from Pennsylvania had predicted a very great defalcation of the revenue in case of peace. He did not think it would be equal to the increase of population which would be likely to take place in consequence of such an event. It was said that, when a peace should take place, a great part of our carrying trade would be withdrawn, and less capital would be employed. But, he asked, if that capital would be unemployed? No. Agriculture, perhaps manufactures, roads, internal improvements, might employ that capital. And he did not know but this would be a more profitable employment of it than in foreign commerce. He believed that commerce had been overdone, and wealth employed in that way might be more profitably employed on other objects. Instead of being spread upon the ocean, if it were spread upon land, he believed it would turn to better account.

In case of war, (an event which they ought always to look upon as possible,) it was said the defalcation would be great: this, he did not believe. He deprecated war as the greatest of evils, and he hoped and trusted it would be very long before this country was involved in such a calamity. He hoped the events predicted by the gentleman from Pennsylvania [Mr. GALLATIN] would soon bless

our sight; but though he believed war to be so great an evil, yet he did not think our revenues would be greatly injured by it. In order to see this, it might be observed, if our trade was a foreign trade, like that carried on by the Dutch or English, it would depend upon a state of peace. Those nations, in order to defend their commerce, were obliged to keep up large Navy Establishments, (perhaps at a greater expense than all the benefits derived from such a commerce would warrant;) but our commerce, said he, depends upon an exchange of the necessities of life, with which we abound, for the superfluous labor of other countries. It was therefore the interest of those countries to keep up this commerce; they depended upon it for bread to eat. Therefore, even in a state of war, they were under the necessity of winking at a commerce upon which their very existence almost depended. In the last war, perhaps there was as great an amount of duty paid as at present, in proportion to the population of the country. Therefore, however great the evil of a war might be, it would not, he said, destroy our commerce. And with respect to the plunder of our property by ships of war of different countries, it could not be greater than it had been.

It had been said that the objections to a land tax were equally strong against a window tax, a tax on stills, or other taxes of that kind; but this was a mistake. The difference was, that, in one case, they were apportioned by Government upon the people, and in the other, the people chose themselves what part of them they would pay. And even admitting (which he did not believe) that money was as plentiful in the country as in cities, still this objection would lie against direct taxes.

It had been said that the impost duties could not be raised, but no proof had been brought of this. His colleague had indeed adduced a fact which he meant as proof, that in one town three hundred writs had been issued for duty; but this did not prove that the duty was too high, but that the merchants had all of them overtraded their capitals—of which they had had proofs enough already. If the duty had only been one-half the present amount, the same thing might have happened.

Mr. H. then adverted to his plan, and defended it against the objections which had been urged against it. He observed that much had been said on the subject of smuggling. They should advert, he said, to the difference of situation betwixt this and foreign countries. What was the situation of Holland, Spain, and Great Britain, in this respect? They were divided from each other by rivers, or by narrow seas, which might be crossed in an open boat, which would carry over £30,000 worth of dutiable goods in a few hours. On this account, smuggling was carried to a great extent. But in this country, he said, the Atlantic must be crossed, or a great part of it, before an article could be smuggled.

He concluded with saying, that if there were no other source but a land tax to supply the deficient revenue, he would vote for it; but he believed a tax on windows or hearths, with the additions he had proposed to the imposts, would be far pre-

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ferable. He should therefore be opposed to the present question.

The question was then taken for the Committee to rise, and carried—yeas 44, nays 35.

And the House adjourned.

THURSDAY, January 19.

A Letter was received from the Secretary of the Treasury, enclosing the Report of the Secretary of War, on the subject of the Naval Establishment, and an estimate respecting the ports and harbors of the United States. What related to the Naval Establishment was referred to a committee on that subject, and what respected the ports and harbors was referred to a committee appointed to take their state into consideration.

CONTESTED ELECTION.

Mr. VENABLE, from the Committee of Elections, made a report, viz: that they had proceeded to examine the complaints made against the undue election of Mr. VARNUM, from the second middle district of Massachusetts; that no one of the petitioners, or their agents, had appeared this session to prosecute their complaints, nor transmitted any evidence on the subject; that the sitting member had produced evidence that the election in the town of Dracutt (the unfairness of which had been complained of) was conducted with fairness and propriety; and though there had been some irregularities committed in other places, they were mostly owing to the misconduct of the petitioners. The committee therefore report it as their opinion that JOSEPH BRADLEY VARNUM is duly elected, and that any attempt to deprive him of his seat appeared to be more the effect of malice than of any real ground of complaint against the unfairness of his election.

The report was ordered to lie on the table.

PENSIONS.

Mr. D. FOSTER, from the Committee of Claims, made adverse reports on the petitions of William Clark, Peter Lee, Cutlip Nesler, and John Stevenson—who prayed to be placed on the pension list.

Mr. LIVINGSTON moved that the report should be printed. He said that, by the rules adopted, many miserable objects had been reduced to great distress. He wished it possible that some assistance could be given to them. To his certain knowledge, many poor people on the frontiers, who never had an opportunity of hearing about the statute of limitations, were thrown out.

The motion for printing was seconded.

The SPEAKER explained that the regular way would be to move for a Committee of the Whole House to take up the report.

Mr. MACON said that the best way for the gentleman to get at his object would be to move a simple resolution for rescinding the act of limitations.

After some further conversation, the reference to a Committee of the Whole was agreed to.

The motion for printing was rejected—yeas 38, nays 39.

The SPEAKER laid before the House a Letter from the Attorney General, accompanying his report respecting the title to the land situated in the Southwestern part of the United States, claimed by certain companies under a law of the State of Georgia, passed in 1794, made in pursuance of a resolution of Congress in 1795; which was ordered to lie on the table.

SALES OF LANDS IN OHIO.

Mr. SPRIGG, jr., laid on the table a resolution, to the following effect:

“Resolved, That the committee appointed to inquire into the progress made in carrying into effect an act for the sale of land Northwest of the Ohio river, and above the mouth of Kentucky river, and also what alterations are necessary in the same, be further instructed to inquire what progress has been made in carrying into effect an act for regulating grants of land for military services, &c., and also if any and what alterations may be necessary in the same.”

RÉLATIONS WITH FRANCE.

The SPEAKER laid before the House the following communication from the PRESIDENT of the UNITED STATES, together with very luminous documents therein referred to; which, after some debate on the propriety of the measure, were ordered to be printed, without being read:

*Gentlemen of the Senate, and of
the House of Representatives:*

At the opening of the present session of Congress, I mentioned that some circumstances of an unwelcome nature had lately occurred in relation to France; that our trade had suffered and was suffering extensive injuries in the West Indies, from the cruisers and agents of the French Republic; and that communications had been received from its Minister here which indicated danger of a further disturbance of our commerce by its authority, and that were, in other respects, far from agreeable: but that I reserved for a more special message a more particular communication on this interesting subject. This communication I now make.

The complaints of the French Minister embraced most of the transactions of our Government in relation to France, from an early period of the present war; which, therefore, it was necessary carefully to review. A collection has been formed of letters and papers relating to those transactions, which I now lay before you, with a letter to Mr. Pinckney, our Minister at Paris, containing an examination of the notes of the French Minister, and such information as I thought might be useful to Mr. Pinckney, in any further representations he might find necessary to be made to the French Government. The immediate object of his mission was to make to that Government such explanations of the principles and conduct of our own, as, by manifesting our good faith, might remove all jealousy and discontent, and maintain that harmony and good understanding with the French Republic which it has been my constant solicitude to preserve. A Government which required only a knowledge of the truth to justify its measures, could not but be anxious to have this fully and frankly displayed.

G. WASHINGTON.

UNITED STATES, January 19, 1797.

[The documents accompanying the above Message will be found in the Appendix.]

ADDITIONAL REVENUE.

The House then resolved itself into a Committee of the Whole on the subject of further revenues.

Mr. SWIFT said, he had all along been opposed to a system of direct taxation, believing it possible to raise the revenue wanted from indirect sources, and being determined never to have recourse to direct taxes, unless the situation of the country was such as to make it necessary to apply to that source.

He should still have continued his opposition to direct taxes, had it not been for information which he had received that the posture of foreign affairs was such as to threaten the cutting off of our sources of revenue arising from foreign commerce. It was necessary to go into a consideration of this matter. It was enough to say, that there was a probability of a part—a very considerable part, of our revenues arising from commerce being cutoff. Under these circumstances, it appears necessary to have recourse to such taxes as were not within the power of foreign nations to annoy; for this purpose, he believed it would be proper to enter upon a system of direct taxes. It was necessary, at least, to begin to make the arrangements; and, if not ultimately requisite to be adopted, it might be laid aside; but he believed the situation of the country was such as to make it proper for them to settle a plan for laying a direct tax. Upon this principle only had he changed his opinion, and intended to vote for the resolution; but he thought, before the resolution was agreed to, it should be amended. The resolution as it then stood, he said, went to the apportioning, "according to the last census, the following direct taxes." He did not believe it would be right to apportion a direct tax according to the last census; for when they attended to the increase of population in some States, and to the stationary situation of others, no one would say that such an apportionment would be right. In the States of Rhode Island, Connecticut, Delaware, and New Jersey, there had been but little increase; in all the other States the increase had been greater. They ought, therefore, to have recourse to a different mode. If they were to attend to the situation of two States in particular, the injustice would appear clear. In the last census, Connecticut was estimated to contain 240,000 inhabitants and New York 340,000. Since that time, he said, the State of Connecticut had increased very little, but the State of New York was increased at least 500,000; so that Connecticut had not more than 250,000, whilst New York had double the number. In the report of the Secretary of the Treasury, Connecticut was apportioned \$98,000 of the estimated tax, and New York \$140,000; the latter being only about \$40,000 more than the former, though it contained double the number of inhabitants. He would, therefore, move to strike out the words, "last census," and to insert "according to their numbers."

He believed that no gentleman would deny the justice of the amendment. Some objection, perhaps, might be made against it on the ground of expense; but he believed he should be able to re-

move these objections. Before the tax could be laid, he said, there must be a valuation of property, and when regulations were made for that purpose, they might also be made for taking an enumeration of the inhabitants, in which case the expense would only be trifling, and therefore no objection could be urged on that ground; and the justice of the measure was evident, since no gentleman could approve of any plan which should charge two States in the ratio of 140 to 100, when their true ratio was as two to one. He hoped, therefore, the amendment would be adopted; and, if so, he should have no objection to vote for the resolution.

Mr. PAGE wished the gentleman had refrained from moving any amendment in the present state of the business, because it went to circumscribe discussion on a subject which cannot be too well understood. There was this objection to the amendment, also, that it assumed, by implication, what was not the fact, for the measure of a direct tax was not yet agreed upon. A proposition had been submitted to the House upon the subject, but the decision had not yet taken place; and it was, in his mind, an evidence of its not having been sufficiently discussed, that the gentleman from Connecticut was opposed to the principle of a direct tax. He had considered the subject with much attention, and he presumed it would not be sufficient to convince any gentleman that it was, of all others, that species most consistent and congenial with the spirit of a free Republic. The amendment did not appear to promise any advantage in the way of accelerating the business; and, in point of utility, it was calculated rather for a future and remote time than the present; believing, therefore, that we must have recourse to some efficient and permanent means of revenue, and that we should do so in a manly way, he was for proceeding by sober investigation, and he had no doubts that the House would decide that the species of taxes which were calculated to inspire industry and economy—to place the agriculturist and farmer above dependence on the merchant—to excite that spirit of vigilance and jealousy which is so essential to the Republican character, and to the preservation of his freedom, would be preferred. When the cultivator knows that he has a certain sum to pay at a given time to the support of the State, his industry and his mind feel a new stimulus; he may pay as much in an indirect way, by the purchase of goods subject to the taxation of the State, as the merchant; but he neither sees this, nor does he obtain the credit due him for this indirect contribution; when he pays it directly, he learns his own consequence in society, and he finds it a part of his duty to inquire how the public money is disposed of by the Government. He said so much to show the preference of one mode of taxation to another. The amendment, he hoped, would be withdrawn.

Mr. MADISON said, he thought the amendment a proper one; it went to generalize the proposition, by striking out the words proposed, and would render it appropriate to the time of the law going into effect. If the tax were to be apportioned ac-

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cording to the numbers, it must be according to the numbers as last legally ascertained by census. If no new census were taken before the act took place, then the last must be the guide; but if a new census, then that must be the guide. For these reasons, he was in favor of the amendment.

Mr. W. SMITH inquired if this question had not already been decided by a motion made by the gentleman from Maryland, [Mr. CHRISTIE?]

The Chairman said, it was in the House and not in Committee of the Whole that the former question had been brought forward.

Mr. W. SMITH said, he hoped the proposition would not be agreed to, because it would defeat the whole business; and he would choose, if it were to be defeated, that it should be defeated directly and not indirectly. If it were the object of gentlemen to take a new census, it would effectually defeat the intention of the bill. He hoped, therefore, they should not waste their time in the present discussion, but determine the question whether or not the principle would be agreed to.

Mr. MADISON said, he did not know to whom the gentleman referred when he said there seemed to be an intention of defeating the bill; he could assure him it was not his intention. He wished to give the proposition the fullest discussion, that the real disposition of the House might be known. The amendment, he said, could not have the effect that the gentleman supposed. If it was the intention of the Legislature to have a new census, it might be taken in time; but he did not believe a new census would be taken; and, if not, the apportionment must be according to the last census, because there would be no other rule. But, if there should be another, who would say it ought not to be conformed to? If it could be really supposed that there was any intention to defeat the original proposition by this amendment, it certainly would not have his patronage.

Mr. SWIFT said, he did not mean to embarrass the measure, but to facilitate it. He believed the objection he wished to remove would make the resolution more agreeable to a great many members who would object to vote for it in its present form. When the Committee of Ways and Means brought in a bill, they would make such regulations as they thought proper; but if the resolution were to be agreed to in its present form, it would preclude all possibility of having a new census, if it should be found expedient.

Mr. HAVENS doubted whether the motion of the gentleman from Connecticut was strictly Constitutional. He read an extract from the 3d section of the 1st article of the Constitution, in these words: "The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct;" and the 4th clause of the 9th section of the same article, "No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken." By these words, he said, he understood that direct taxes could not be levied, except according to a census to regulate

the representation, which must be taken once in ten years. Direct taxes and representation ought always to go together. Direct taxes should always be represented by the last census.

Mr. S. SMITH said, this question had been decided in the House, and he trusted it would again be rejected. He recollected, when the last census was taken, it was attended with considerable difficulty. Many of the inhabitants in the country were Germans, and they were suspicious that some bad purpose was intended by the measure. In taking a new census, for the purpose of a tax, they would hold out to the people a temptation to return their numbers less than they really were; whereas, when a census was taken for the purpose of ascertaining the number of Representatives to which they were entitled, the people were interested to make their number as large as possible. Nor would it be possible to get at the full numbers of the people, when they were interested in withholding them. Indeed, he should not be surprised, if a census should be taken for the purpose proposed, if it proved less than the former one. He gave his dissent to this proposition when it was before them in the House, and he saw no reason for changing his opinion. He thought it neither profitable nor proper.

Mr. CHRISTIE was glad the gentleman made the motion now, that it may undergo a discussion, and be brought into the House. He wished it to be adopted. He never could, nor ever would agree to the resolution for direct taxes, except a census be taken to regulate it on. He believed that when this was done the total estimate would return 148 members to that House. He knew the State he came from was not justly rated. He hoped the tax, if put into effect, would operate equally on all the States.

Mr. HOLLAND could hardly suppose the gentleman from New York [Mr. HAVENS] serious, when he doubted the constitutionality of taking a new census. Great alterations must certainly have taken place in seven years; and if a direct tax was to be laid, according to the last census, it must operate very unequally amongst the citizens. He thought the resolution indispensably connected with the subject. Many, he said, would vote for direct taxes if they could be made to bear equally, or nearly so, on all. If that could not be done, Mr. H. said, he should not vote for that system, and he believed the same of many other members.

Mr. SEWALL hoped the amendment would not prevail. He thought the words *last census* included the word *number*. If a direct tax be levied this session, it must be according to the last census. The amendment was merely a verbal one; for, if a new census were to be taken before the act went into execution, the apportionment must be regulated by it, whether the words were to be struck out or not; and if a new one were not taken, the apportionment must be made by the old census. If a census were to be taken, he said, it must be returned and approved by Congress, before any tax could be apportioned by it. If representation and taxation were connected together, he should have no objection to a new census being taken;

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but the term of the census not having expired, if it was now necessary to apportion a tax, it must be according to the last census. The amendment, however, being only verbal, it could have no effect on the resolution.

Mr. NICHOLAS said, if he could put the same construction on this amendment with his colleague, [Mr. MADISON,] he should consider it of a very harmless nature, but from the very different views which the gentleman who proposed it had, he saw reason to believe it would have a very contrary tendency; it would cause delay, which would be injurious; protracting it would ruin the original proposition. No tax could be apportioned upon a census before it had gone into operation with respect to fixing the number of Representatives. He believed they had the power of taking a census, but he thought it must be taken for the double purpose of taxation and representation, and not for taxation alone.

Mr. GILBERT said, there could be no question more express, and which would admit of less doubt, than that representation and taxation must go together. The Constitution directed the census to be taken once in ten years, and when once taken it must remain to govern until another was taken; but whenever another census should be taken, the tax must be apportioned by that. A new census, he said, could not operate upon a tax now agreed upon. Whether a new census should be taken before the appointed time, was a different question, and was not at that time before them.

Mr. SITGREAVES said, if the gentleman from Connecticut [Mr. SWIFT] was sincere in his professions of not wishing to embarrass the proposition before them, he would withdraw his amendment; because, if it meant anything at all, it went at least to delay the business. It could not be denied that every direct tax must be apportioned according to the last census taken according to law, and if the gentleman's motion meant that the proposed tax should not be laid until a new census was taken, it would necessarily put off the business for several years. The gentleman seemed to think that a census could be taken for this purpose only; but, Mr. S. said, if he understood the Constitution on this subject, no direct tax could be apportioned but according to the census taken for the purpose of apportioning the representation. If a new census was taken, therefore, it must operate upon both. If this opinion was just, and he had no doubt of it, the motion went to the putting off a direct tax until a new census should be taken. If this was not embarrassing the business, he did not understand the meaning of the term. He believed the last census which was taken was not carried into effect till two years afterwards, and if a new one were taken, it would probably take as long a time to bring it into action, so that to carry the motion would be in effect to put off the business for four years.

The gentleman from Virginia [Mr. MADISON] thought a new census would not be taken before the direct tax was laid; if so, the motion was useless. If a new census should be made before a

direct tax could be carried into operation, it still would be apportioned according to the last census, or that which had previously taken place.

If there was anything in the motion of the gentleman from Connecticut, it was mischief, because it would operate to put off the question. He hoped, therefore, that gentleman would withdraw his motion, and suffer them to meet this important question fully in the face.

Mr. COIT said, if direct taxes were to be laid, he was not prepared to say whether the old or a new census should be made use of; but if the carrying of the present motion would remove one of the objections which were against the measure, he could see no reason why it ought not to pass. The resolution expressly said the apportionment should be according to the last census; the present motion went to leave that undecided, to be determined upon hereafter, whether the old or a new census should regulate the apportionment; he hoped, therefore, it would be adopted.

Mr. MADISON said, if he had foreseen that the amendment proposed could have been supposed to embarrass the measure, he should not have seconded it; but he thought it could not have that effect. He would ask, if there was a gentleman in favor of the proposition, who would not have agreed to it, if the words proposed to be struck out had not been in it? And if not, why object to the amendment? He did not think it likely that a new census would be taken; but he did not think it was necessary to prejudge that question. It was an object of detail, and might properly be determined upon hereafter. Without it the proposition would be more general. It would have the same operation in one form as in the other, and no gentleman could complain of having his intention of moving for a new census prevented by a pre-judgment of the question. He hoped no further debate would take place on it; he was fully prepared to give his vote.

Mr. GILBERT thought there was nothing in the motion that could change any member's mind on the subject of the main resolution; whether the term "last census" be expressed or not, it would apply the same. At whatever time the tax was put into effect, it must be according to the census last taken. The resolution would not pledge the House to take a new census. It was a debate more about words than anything else.

Mr. MURRAY thought the debate on the present question a very trifling one, as the abstract principle was necessarily kept out of sight. If the amendment was agreed to, the apportionment must be made according to the last census, as a new census could not be taken for two years to come, many States having already elected their Representatives; if the gentleman from Connecticut saw that the amendment would be useless, he trusted he would not insist upon its being decided upon.

Mr. ISAAC SMITH said, he thought they might get rid of all this debate very easily. He wished the question, whether they would lay direct taxes or not, to be simply taken. If a direct tax was determined upon, the details of the business could be

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settled afterwards. He would therefore propose, if in order, that the question should be put simply, "Shall we lay a direct tax?"

Mr. HARTLEY said, he had attended much to the progress of the business; he hoped the amendment of the gentleman from Connecticut would not prevail. It was allowed on all sides that additional revenue was wanted; they must now meet the question, whether it should come from direct taxes or not, and whether that should be levied according to the last enumeration, or that a new one be taken for that purpose; it was only a simple proposition, and it was fit it should be decided, and he hoped without much debate. It was proper some determinate principle should be fixed as a guide to the committee, who should prepare a bill on the subject. He thought there was much necessity for a land tax, and he hoped it would prevail; and he thought it could most properly be done upon the last census. He declared he had no objection to pay his portion towards it. He hoped they would hasten the decision, but he should be opposed to the motion, and therefore hoped the gentleman would withdraw it.

Mr. DAYTON (the Speaker) said that the words "according to the last census," which were proposed to be stricken out, appeared to him objectionable in every point of view. If they implied that the enumeration, made several years ago, should be the rule of apportionment, even though a new one should be taken before the direct taxes were apportioned—or, what seemed more probable, if it was intended in this indirect and covert way, to decide that no new census should be ordered with a view to a more equal apportionment of the burdens, there was in either case a glaring impropriety in retaining, and thus connecting them with the principle itself. The important question of direct taxes ought to have been presented to the deliberation of the Committee of the Whole, in terms the most general and abstract, stripped of every modification not necessarily connected with it; instead of which, there was blended in the same sentence, and they were to decide in the same breath, another question equally, nay, to some States, more important than the first. Whether they were to take the relative numbers in 1790 or those in 1797, as their guide in laying the tax upon each State, ought to undergo a full and separate consideration, and not by being wrapped up as it was in the other proposition, pass as the sense of the House, without any discussion.

Mr. D. said he should be satisfied with striking out those words, and inserting no other, but if any were to be introduced he should prefer those in the Constitution, viz: "according to their respective numbers." He was free to acknowledge that he should not vote for the proposition, even if the amendment which he advocated was carried, for he could never consent to resort to direct taxes upon lands and houses, until the less exceptionable, less unequal, and less oppressive means of raising revenue by indirect taxes were exhausted. If, however, a majority should think differently from him, and carry the resolution for the

adoption of a system of direct taxation, he should then think it his duty to move for a new census to be taken previously to the apportionment. This ought not to be refused, if to equalize the public burdens was an object just and desirable. For if the last enumeration of inhabitants was to be adopted as the rule, every member upon that floor must be sensible that New Jersey would be rated and taxed very far above her just proportion, and that a farmer in his State must contribute at least fifty per cent. more than a farmer of the same possessions and property in either of the adjoining States.

Such, Mr. D. said, had been the course of emigration and such the shifting of population from one State to another, that a census taken seven years ago would furnish a very false estimate of the present state of wealth and population.—Whilst emigrations had been going on for years past from New Jersey in all directions, many of the other States had received vast accessions of numbers, which ought to be ascertained by a new enumeration, before they commenced their, as yet, unexercised power of direct taxation which professes to found its apportionment upon numbers only. He did not at all concur with the member from Virginia, who had said that the apportionment of Representatives must necessarily precede the apportionment of taxes under every new census; for they might say, with as much propriety, that the representation under the new, should not appropriate moneys raised under the old apportionment.

Mr. SWIFT said he did not think the present a debate about words, and not of substance, as had been asserted. His intention was to introduce the words "according to their numbers," instead of "according to the last census." He did not wish the House to decide that the apportionment should be made agreeably to the last census. He wished to leave the resolution open in that respect. If his amendment took place, it would not preclude the use of the last census; but if the resolution passed in its present form it excluded all idea of a new census. He, therefore, thought the amendment important, and he was sorry to hear gentlemen charge him with improper motives in bringing it forward.

Mr. S. referred to the words of the Constitution relative to the taking of a census, and laying direct taxes. From these words, he said, representation and taxation must go together; and that a census could not be taken for the purpose of the latter, without having effect upon the former also. Admitting that a census could not be taken for the purpose of a direct tax, it could be taken for both purposes; and he would much rather it should be so taken, than that the tax should be laid according to the last census. Nor did he think this would occasion much delay. It would appear, he said, as if some gentlemen thought that a direct tax could be collected as soon as determined upon. This could not be. They must pass a general law, directing the principle of valuation to be adopted. The business could not be accomplished before the next session, however great the

want of money might be; and the mode he proposed would effect the business as soon as if the apportionment was at this time made. He thought this a sufficient reason for wishing his amendment to pass. No gentleman had said that it would be either fair or honest to make an apportionment according to the present census. The State which he represented, when compared with the State of New York, would be greatly injured; and ought they not, he asked, to have recourse to some means by which to prevent this injury? He thought they ought. If this amendment was adopted, and a new census agreed upon, he had before said, it would be in their power to collect a tax as soon as if the present census was made use of. Why, then, be affrighted with difficulties? Some gentlemen thought it impossible to obtain a correct census; others supposed, that if it were taken for the purpose of assessing a tax, it would not be more numerous than the last; but he believed it was in the power of Government to make laws equal to the equitable apportionment of the tax. But, if a new census was not taken, Connecticut would have to pay forty thousand dollars more than she ought to do, and this sum would be paid to the State of New York, since that State would pay so much less than its just proportion. Would the people of Connecticut, who were now paying large sums for the interest of a debt which that State refused or neglected to pay, be satisfied with this? He believed they would not. If, indeed, they meant to satisfy the people of the United States in this business, they must apportion the tax fairly and equally, which could not be done by the present census.

Mr. N. SMITH said, he should vote against the amendment proposed by his colleague; not because he approved of the apportionment being made according to the present census, but because the amendment would have no effect. The resolution, he said, after it was so amended, would stand upon the same ground as at present. To say, "that the tax should be apportioned according to numbers," was the same thing as saying, "it should be apportioned according to the last census," as the only way of determining the numbers was by the last census. The thing would, therefore, be the same, and they certainly ought not to vote to amend without some meaning.

The resolution before them, he said, contemplated the apportionment of a tax the present session; and if it passed, the tax must be apportioned this session, or not at all, and it must be according to the last census.

He agreed with his colleague, that it would be just that an enumeration should take place before the tax was assessed; but he believed this could not be effected by the amendment proposed. He thought there was no other way of effecting this, than by disposing of the present resolution, and by bringing in another. He agreed with that gentleman, that a valuation and census might be provided for at the same time, and he believed it would occasion no delay in the collection; but if this was the gentleman's idea, the present resolu-

tion could not answer the purpose, under any new modification.

Mr. W. SMITH was glad to find the gentleman from Connecticut had been explicit in declaring it to be his intention to have a new census taken. He was rather surprised to hear that declaration after what he had said at the time he introduced his motion; as he then told them that he was opposed to the tax, but that our necessities had convinced him of the propriety of going into it; yet he now proposed to delay the business till next year; and, further to relieve our necessities, he proposed an expense of \$50,000 in taking a new census.

Mr. S. thought this was the time for trying this question, whether the tax should be apportioned according to the old or a new census; because, if gentlemen were determined to vote against a direct tax, except a new census was taken, it would be well to have that known. Nor could the Committee of Ways and Means proceed with the business, until they knew whether the apportionment was to be made upon the present census, or a new one must be taken. To bring in a bill upon such uncertainty would be doing nothing. It would be better that the question should now be decided. He wished it might be understood that, if a decision took place on the resolution as reported, the old census would be acted upon; but if the proposed amendment was agreed to, that a new one must be taken. If the latter should be the case, he should consider the business as totally defeated, and think it necessary immediately to go upon a system of indirect taxation. He hoped, therefore, a decision would be taken.

It would be remembered, Mr. S. said, that the law for taking the last census passed in 1790; that in 1791 an amendment was found necessary, and the census was not received till 1792. If so long a time was now to be taken before the tax proposed could be carried into effect, (which it is probable would be the case if a new census was determined upon,) every gentleman must be convinced it would not answer the purpose intended.

Mr. BALDWIN hoped it would be recollected that this question would occur every year. If a land tax is adopted as one of the permanent sources of revenue to supply the Treasury, it might be stated every year that there had been large removals from one State into another, extending, in some cases, to ten or twenty thousand inhabitants, and that therefore a census must be taken every year to make the tax equal. He thought the only question now properly before them was, whether the demands on the Government were not so great that the country must be publicly disgraced and their credit prostrated by not fulfilling its engagements, unless further revenues are provided, and that adequate revenues cannot be provided without resorting to a land tax. If the present state of our affairs force us to such a tax, the Constitution requires it should be according to the last census. In laying the tax, it may be a good reason to urge that the land tax should be as small as possible till another census can be taken, and, also, to urge taking

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measures to obtain a new census. As soon as a new census is taken, the tax, no doubt, in some instances, will be more equal; but these inequalities must take place between the different periods of taking the census; he thought it not a sufficient reason for putting off the question for two or three years, which must be its effect.

Mr. NICHOLAS hoped, since the question had been stirred up, it would be decided. It was not a principle in which they were at liberty to act or not. It appeared to him that the gentleman from New Jersey [Mr. DAYTON] was perfectly mistaken. If they were now to apportion a direct tax, they must determine it according to numbers; it was a decision they could not avoid. And notwithstanding that gentleman had flattered himself that he had discovered an intention of doing wrong to other parts of the Union, he believed it would be found that it had arisen more from that gentleman's willingness to have found him in that situation than any ground he had for the charge. It was his opinion that a census must be taken for the double purpose of representation and taxation, and that it could not be taken for the purpose of a tax without extending to the representation also. Therefore, if a new census was made, it would be five years before a direct tax could be laid; for the different States having elected their members upon the old census, a new one could not be acted upon until a new election took place; it would be three years before the new Legislature would meet, and it would be two years afterwards before the act for a direct tax would be completely in effect, unless, indeed, the gentleman from Connecticut thought a census could be taken for taxation only, which must have been the opinion of the gentleman from New Jersey also. Mr. N. said he knew it was impossible to do equal justice in every part of the Union in a business of this kind. All they could do was to come as near it as possible.

Mr. WILLIAMS said, this was one of the difficulties which must have been foreseen to attend a system of direct taxation. He hoped the amendment would not prevail. It was true, he said, there had been great emigrations into the State of New York; but the emigrants were mostly gone into the wilderness, and could not be expected to bear a part in any tax which might be laid on that State. For his own part, he believed, if the amendment was agreed to, it would defeat the whole business; and though he did not wish immediately to go into a system of direct taxation, (except, indeed, the plan should be such as he wholly approved,) he had a desire to see it organized. He still wished they had first gone into the business of appropriation, before they had been called upon to vote on this question.

A call for the question was made.

Mr. GALLATIN said, before the question was taken, he would state, that the amendment proposed would be a total defeat of the resolution for laying a direct tax. The gentlemen from Connecticut, he said, had been accustomed, in laying their State taxes, to have valuations of property made betwixt different towns, and they supposed

no delay would be occasioned by the proposition before them. But it must be recollected that, in apportioning the tax amongst the different States, there was no occasion for such a valuation as they contemplated. It was proposed by the Secretary of the Treasury to be done by means of Commissioners instead of the Legislature, and he believed that would be the best way. If the resolution was, therefore, agreed to, the tax might be proceeded with; but if the amendment was passed, and a new census was to be taken, they must wait at least two years, as no valuation could take place until a Congress was elected according to the new census, which could not be done till the time of the Congress just chosen expired. They might, indeed, have an enumeration taken, and a tax assessed, on the 4th of March, 1799, which would be the day on which the powers of the new Congress would commence; but no tax could take place in the mean time.

There was not the least doubt, therefore, that if the amendment passed it would amount to a defeat of a direct tax for two years. The question was, then, whether they would agree so to put off the business or not?

Mr. G. said, he should have no objection to the taking of a new census before the expiration of ten years, if it was thought to be necessary; but he could not think of doing it before the proposed tax went into effect.

Mr. DAYTON did not agree with the gentleman from Connecticut [Mr. SMITH] who had asserted that the words in the original resolution, and in the amendment, would have precisely the same operation, and really meant nothing. He believed they would operate, and were intended, to decide the question against the new census, which the members from Connecticut as well as from New Jersey must be equally desirous of providing for. The chairman of the committee who reported the resolution under debate had candidly acknowledged it to be his object and meaning, and other members had given a like construction to the words. Some notice was due to the remarks of the gentlemen from Virginia and Pennsylvania, who, though not entirely agreeing in their construction of the Constitution, had broached doctrines that were new, and not at all warranted by that instrument. The former had said that if a new census should be taken and returned at the first meeting of the next Congress, and a direct tax for the current year should be apportioned by them the same session, they must take for the rule of apportionment the *old* and not the *new* census, until the Representatives had been regulated, and taken seats under the last enumeration. Could it be possible, Mr. D. asked, that any man who had read these words—"direct taxes shall be apportioned among the several States according to their respective numbers," could believe that injunction obeyed, if the enumeration last taken, and immediately before their eyes, should be rejected or disregarded, and one taken eight or ten years previously adopted in preference as the rule of numbers and wealth? The gentleman from Pennsylvania had not carried his doctrine quite so far, but had given

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it as his opinion that the return of a new enumeration to the next session would prohibit an apportionment of any direct tax in less than two years, when a new representation would take effect. The tendency of such a doctrine would be highly dangerous, as it would lock up for two years the only resources of Government, and it might be in time of war, when they would most need them, and have no other to resort to. Both those gentlemen seemed to have conceived and assumed for fact that direct taxes were to be apportioned according to representation, in which they were not justified by the Constitution. Representation and direct taxation were both, it is true, to be adjusted by one common standard, but not by each other; and, although in theory, or at first view, the distinction was not striking, yet in practice it would be found to be material and important.

The question was put and negatived, there being only 19 in favor of it.

The question was about to be put upon the original resolution, when

Mr. HAVENS wished the question divided.

Mr. POTTER said, he was against the resolution, because the tax would fall very unequally. Since the last census was taken, the situation of many of the States was very much altered as to population. In the State of Rhode Island, which was already oppressed by the direct taxes of the State, many of the inhabitants had removed into the State of New York, where they had less taxes to pay. The State of New York, and others, he said, had increased in population, and therefore a direct tax would operate very unequally on different States.

By the report of the Secretary of the Treasury, it appeared that the State of Rhode Island was to pay \$28,000 a year, which would operate as a tax of double the sum on the land-holders, from the manner in which it would be collected, and from other property being excused from supporting its share of it. It would, therefore, fall particularly heavy on that State, when compared with others.

It had been said by the gentleman from Pennsylvania [Mr. SWANWICK] in two long speeches on the subject, that a direct tax was the most certain, equal, and easy in collection; the first convinced him that he knew nothing of the oppression of a direct tax. That gentleman was against having the system detailed, because it would be the means of raising objections to it; but, after gentlemen had voted for the abstract principle, they must vote for the bill.

Mr. P. believed sufficient revenue might be raised from indirect taxes. An additional tax had been proposed on salt and brown sugar. It was said these were articles consumed by the poorer classes; but if a man purchased salt or sugar, he was pleased with the purchase, and would pay double the tax in this way that he would pay by a direct tax. Nay, he believed a man felt five dollars paid in a direct way more than fifteen or twenty paid indirectly.

If, he said, they were to try to raise by indirect means, on the plan recommended by the gentle-

man from South Carolina [Mr. HARPER] a part of the sum wanted till next session, it would be seen whether that method would not be successful. If it was then found that the revenues arising from thence were insufficient, there was not a person in the House who would not enter into direct taxes with more readiness. But until all indirect means were tried he should be unwilling to go to direct taxes.

Mr. SWANWICK said, he was sorry that the gentleman from Rhode Island [Mr. POTTER] should have supposed he did not understand the principle of direct taxation, from not having felt it. He believed it had been mentioned by his colleagues that a direct tax had long been collected in his State, so that he had been constantly in the habit of feeling the weight of direct taxes, as he believed there were few places which paid more in this way than Philadelphia. If the gentleman had been in possession of landed property here, he would have felt the truth of this.

Much, Mr. S. observed, had been said on the subject of indirect taxes, and of the poor being in a great degree exempt from them. He believed this was not true. The duties arising from the luxuries of life were small in comparison to what was raised from articles of general consumption. If you want productive taxes, said Mr. S., you must come to salt, tea, and sugar, and articles of common use. The gentleman from South Carolina knew this, and had, therefore, introduced them into his list of articles which he supposed would bear additional duty. No one would doubt, therefore, that the poor paid a very heavy portion of those duties.

But, the gentleman said, let us go on a little longer and try the experiment. Mr. S. asked if it was not the moment, of all others, for them to look out for some other object of revenue besides commerce, when their imposts were wholly in jeopardy? For, whether they added to the duty on salt, sugar, or any other article recommended, what certainty could they have upon their calculations being realized, when they heard of their vessels being taken almost by hundreds?

Whenever commerce was mentioned, they always heard of merchants having over-traded themselves. And did not this very circumstance tell them that the revenue must hereafter experience a diminution, since, if they had over-traded themselves, they would in future do less?

Another gentleman had said that three hundred writs had been issued in one city to recover duties. But this, it was said, was no proof at all that a reduction of the revenue would ensue. It would at least be allowed that it proved an inability to pay, and bad debts would doubtless be the consequence, and that no certainty could be placed upon this species of revenue.

In what situation, then, said he, is this country placed? If the French continued to take our ships in the way they had lately heard of, we should not, he said, get revenue sufficient to pay the interest of our debt. So that gentlemen who opposed the present motion, if they were successful,

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would reduce the country to an alarming situation, indeed.

A curious way had been proposed of retrenching our expenses. Now we were threatened with foreign attacks, it was recommended that our Naval and Military Establishments should be reduced. This was extraordinary doctrine. He believed the gentleman who recommended this saving, might as well have gone on, and proposed an annihilation of the Government itself, and then there would be no need of revenue at all.

Our exigencies, said Mr. S., are such that those gentlemen who refuse to support the present proposition must take upon themselves the responsibility. With them, said he, be it; he did not choose to take it.

They had had some observations with respect to the constitutionality of certain points in reference to direct taxation; from reflecting upon which, he was of opinion that indirect taxes had not originally been contemplated by the Constitution. It contemplated a system of direct taxation, supported on the foundation of representation, by which States should pay according to their population. This sort of tax, he said, was well calculated to inspire caution in the expenditure of the public money.

Mr. S. said, he had been much gratified by the observation of his colleague from the interior of the country, that a land tax would be more gratifying to him and his constituents than an extension of indirect taxes. He hoped the resolution would be agreed to. Whatever might be its fate, however, he should feel satisfied in having done his duty in exerting himself in its behalf.

The call being loud for the Committee to rise, the question was put and negatived, there being only 13 for it.

Mr. HOLLAND had no doubt with respect to the Constitutional power to lay direct taxes. He would go further, and say, that it might have been better if Government had begun with them at its first institution; but he was doubtful whether the present was a proper time to commence the business. He was of opinion that indirect taxes might yet be extended so as to produce the revenue wanted.

Without examining into the principles of imposts and excise, it might be supposed that they fell upon the merchants; but, on examination, it would be found that they paid no more of them than in proportion to their consumption. The question was, whether the merchant or farmer consumed most; for it had been insinuated that the farmer scarcely paid any part of these duties.

The gentleman from Maryland [Mr. CRAIK] seemed to think there were farmers who paid little or nothing towards the expense of Government. He did not know any such. Farmers, he said, had mostly numerous families, and therefore consumed larger quantities of imported articles. The families of merchants were seldom so large; they consequently consumed less. Farmers, he said, were also saddled with an excise on their stills, from which merchants were exempt.

Merchants, he said, were in the habit of com-

plaining, but Government had not been inattentive to their interests. He mentioned the allowance to them in favor of tonnage. He said he was convinced revenue was wanted, but he thought there was no necessity for going into direct taxes to raise it. As to paying off the debt, he doubted not, if they raised ever so much revenue, Government would find ways and means of spending it.

He justified the reduction of the Military and Naval Establishments. The Military Establishment, he said, was calculated for peace, and was of no other use than to garrison our forts; and, as the frigates were not built, there was no necessity for an establishment to man them; and, indeed, he thought it better that they were not finished, as, if they were out at sea, they would probably soon be added to the strength of an enemy. He wished we had less to do with foreign intercourse. He did not know what good foreign connexions were of to us, though Government had long been hunting them up. He thought the more we lived by ourselves the better.

He believed it would be best to pursue indirect taxes, if it were only with a view to keep the Public Debt out of sight, as a part of this debt has originally been the property of individuals, who would murmur very much if they were called upon to pay either towards reducing the principal, or discharging the interest of it.

The farmers already paid a tax on their stills, and if they were to pay a direct tax also, it would be like taxing both principal and interest. If a direct tax was laid, he hoped, therefore, the duty on stills would be repealed.

Mr. BUCK wished the decision on the question might be postponed, for the purpose of reading the communications just received from the PRESIDENT, as they might throw a light upon the situation of this country with respect to foreign countries, which might influence their decision, as the state of our commerce should be known before this business was proceeded far in; on this account, he hoped the Committee would rise, that every possible information of the state of our affairs may be known before a decision on the article of taxation took place.

Mr. J. SMITH hoped the Committee would not rise. He had made up his mind on the question, and he thought the arguments used on both sides must have operated as a decision to every gentleman; but if the gentleman had anything to offer on the question, Mr. S. would patiently hear him a little while; but he thought a speedy decision should be made. March was very near, and it ought to be remembered that, after the decision of the House there must be time allowed to the Committee of Ways and Means to bring in a bill. From the debate which had taken place, spectators would suppose it a struggle between merchants and farmers on the question, "whence should the revenue come?" He hoped, in the main decision of the question, gentlemen would drop selfish motives, and vote for the public good, and that alone.

Mr. HARPER said, if the gentleman from Ver-

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mont [Mr. BUCK] had voted for the Committee to rise on any other than the reason offered, he should agree with him, but he thought that ground altogether insufficient. The communication only related to a chain of correspondence, the matter of which would no more tend to inform the House on this subject than it was at present. It was well known that revenue was wanted, and he hoped the manner of obtaining it would soon be decided, except gentlemen should want more time to think on it, which he was not willing to allow.

The question was now again put for the Committee's rising, and not carried.

Mr. CHRISTIE moved a division of the question. After a variety of observations from several members, the question was at length taken on the former part of the resolution, viz: that proposing a direct tax to be laid on land with improvements thereon, and carried by a considerable majority, there being 56 in its favor.

On the question upon the latter part of the resolution, viz: that a tax shall be laid upon slaves, with certain exceptions, being about to be put, Mr. CHRISTIE moved to add, "on all real and personal property within the United States." On suggestion of Mr. GILES, the words "and other property" were substituted in place of the above, and on the question being put upon it, it was negatived, there being only 18 in favor of it.

The latter part of the resolution was then put as it stood, and carried, 54 members voting for it. The Committee rose, and the question was at length put whether the House should take up the resolutions as amended, this day, and lost—ayes 37, noes 47.

The House then adjourned.

FRIDAY, January 20.

Mr. W. SMITH said, that he wished to make a motion on the subject of the communication yesterday received from the PRESIDENT. It had been agreed that 300 copies should be printed; he believed this number would be too small, and would wish it extended to 500, and also that it should be printed under the direction of the Secretary of State, as he understood he meant to add some notes to different parts of it by way of elucidation.

This motion, which as far as it related to the number to be printed, was tried yesterday, occasioned a number of observations on the propriety of making the proposed addition, or of having it printed differently from the ordinary course of business. The Clerk informing the House that the communication was divided amongst several printers; that the printing paper would be ready by Monday se'night, and the others by Monday fortnight; that he had received a note from the Secretary of the Treasury, informing him that there were some mistakes in the transcribing of the papers, and requesting that the proof-sheets might be sent to his office, especially as he intended to add the original French of the French Minister's communication, Mr. W. SMITH withdrew

the latter part of his motion, and the House agreed to 500 copies being printed, after many remarks.

ADDITIONAL REVENUE.

The House then took up the consideration of the resolution reported yesterday by the Committee of the Whole, on the subject of further revenue.

Mr. CORT wished for a division of the question, viz: that the proposition for a tax on land and that for slaves, should be put separately.

Mr. SWANWICK called for the yeas and nays. They were agreed to be taken.

Mr. NICHOLAS thought the resolution should not be divided, but that the propositions for a tax on land and a tax on slaves should go together, as he should object to vote for the tax on land except that on slaves accompanied it. He thought the gentleman had better try the question, by moving to strike out what respected slaves.

Mr. MADISON thought it would be best for the two propositions to go together; but if they did not, he did not think the embarrassments insuperable. If the question was divided, those who thought a tax on slaves necessary, must vote for the first part; and if the second was rejected, there would not be wanting an opportunity of voting against the tax on land. It was necessary to observe, that it had been found expedient to associate these two taxes together, in order to do justice, and to conform to the established usage of a very large tract of country, who were entitled to some degree of attention, and to whom a tax on land, without a tax on slaves, would be very objectionable.

Mr. CORT said, he could not gratify the gentleman from Virginia by varying his motion, as it would not answer the purpose he had in view.

Mr. NICHOLAS supposed, if the motion was persisted in, he was at liberty to move to insert *slaves* in the first part of the resolution. The gentleman certainly knew his own views best; or he thought it was possible to have settled the business he proposed.

Mr. W. SMITH saw no difficulty on the subject. Gentlemen would vote for the first part of the resolution, in hopes that the second would pass; but if it did not pass, they would have an opportunity of voting on the main question, and thereby defeat the whole.

Mr. VAN CORTLANDT would vote for both together, but not separately.

Mr. GALLATIN inquired as to a point of order, whether, if the first part of the resolution was carried, and the second negatived, the question would not then be taken upon the resolution as amended?

The SPEAKER answered in the affirmative.

Mr. WILLIAMS said, it would save time if the question was taken upon the whole resolution together; for if several gentlemen voted against the first proposition, lest the last should not pass, the whole might in this way be defeated. He thought a vote might be safely taken upon the whole together, as no one would be bound by the vote in favor of the bill, if he should not approve of it.

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For his own part, he wished to see the plan, though he did not know that he should vote for it.

Mr. NICHOLAS supposed there was not the difficulty mentioned by the gentleman from New York. Gentlemen would not risk the whole by voting against the first part of the resolution; since, if the second was not carried, they could afterwards reject the whole.

The question was then put, that the House agree to the first resolution, viz :

"Resolved, That there ought to be appropriated, according to the last census, on the several States, the sum of —, to be raised by the following direct taxes, viz :

"A tax ad valorem, under proper regulations and exceptions, on all lands, with their improvements, including town lots, with the buildings thereon :"

It was resolved in the affirmative—yeas 48, nays 39, as follows :

YEAS.—Abraham Baldwin, Thomas Blount, Richard Brent, Daniel Buck, Samuel J. Cabell, Joshua Coit, Isaac Coles, William Cooper, William Craik, George Dent, George Ege, William Findley, Albert Gallatin, Nicholas Gilman, Henry Glen, Chauncey Goodrich, Christopher Greenup, William B. Grove, George Hancock, Carter B. Harrison, Thomas Hartley, John Hathorn, Jonathan N. Havens, William Hindman, John Wilkes Kitters, Edward Livingston, James Madison, John Milledge, Andrew Moore, Frederick A. Muhlenberg, William Vans Murray, Anthony New, John Nicholas, Alexander D. Orr, John Page, John Patton, Francis Preston, Robert Rutherford, Samuel Sewall, Samuel Sitgreaves, Isaac Smith, William Smith, Richard Sprigg, jr., John Swanwick, John E. Van Allen, Philip Van Cortlandt, Abraham Venable, and John Williams.

NAYS.—Fisher Ames, Theodorus Bailey, Theophilus Bradbury, Nathan Bryan, Dempsey Burges, Gabriel Christie, Samuel W. Dana, James Davenport, Henry Dearborn, Abiel Foster, Dwight Foster, Jesse Franklin, Nathaniel Freeman, jr., James Gillespie, Roger Griswold, Robert Goodloe Harper, Thomas Henderson, James Holland, Andrew Jackson, George Jackson, Matthew Locke, Samuel Lyman, William Lyman, Samuel Maclay, Nathaniel Macon, Francis Malbone, Elisha R. Potter, John Reed, John S. Sherburne, Jeremiah Smith, Nathaniel Smith, William Strudwick, Zephaniah Swift, George Thatcher, Richard Thomas, Mark Thompson, Joseph B. Varnum, Peleg Wadsworth, and Richard Winn.

The second part of the resolution, relative to slaves, was about to be put, when

Mr. GALLATIN said, before the question was taken on this division, he would just mention why this species of personal property was brought under view, whilst all other personal property was unnoticed.

It was very true, that stock upon a farm in the Northern and Eastern States paid nearly as great a proportion of the taxes of those States as the negroes did those of the Southern States, and therefore it might seem somewhat wrong to introduce negroes in the one case and not cattle in the other. The reason which induced the Committee of Ways and Means to adopt this mode was, that negroes are confined to certain spots of land in the Southern States, while horses and cattle extend

nearly over a whole country. And a land tax, unaccompanied with a tax on slaves, would be very unpopular in those States, as it would throw too great a burden upon farmers who did not hold slaves, and fall too lightly upon those whose property chiefly consisted of slaves. There was this difference betwixt the two species of property : A farmer in the Northern or Eastern States would not think himself aggrieved by not paying a tax upon his farming stock ; but a farmer in the Southern States would think himself aggrieved if his land was taxed, whilst the slaves of the slaveholder were not taxed. It was on this account that this species of property was introduced.

Mr. MURRAY was not struck with the observations of the gentleman last up, so as to say he would ultimately vote for this species of tax ; at present, he should vote for a bill to be brought in ; but unless he found the bill could reconcile the principle more, and do greater justice in the case than he at present conceived, he should then oppose it.

He said, he considered slaves in the Southern States as laborers, and unless gentlemen could show him where laborers were taxed, he should not think it right to vote for that part of the bill. He was decidedly in favor of a land tax, but against the other part of the question. Mr. M. said, he merely mentioned this that he might not hereafter be charged with inconsistency, in case he should vote against the bill. He repeated, unless provision be made for taxing labor in other parts of the United States, he must vote against this part of the bill if brought in, because the tax would operate very unequally.

Mr. HARPER said, though he was entirely opposed to the tax proposed by the resolution, and should vote against the whole, yet he thought it right that a tax on slaves should be introduced with a tax on land ; for, as this direct tax was to be raised by apportionment through the States, whether the Southern States paid on slaves, or the Northern States on land, made no difference in effect ; each paid in its own way ; one mode was more convenient for the Northern, another for the Southern, and another for the Eastern—no injury was done by this to any other State.

Mr. G. JACKSON said, he was against all species of direct taxation, but particularly on this species ; and, if a tax on land was carried, he should bring forward a resolution to lay a tax upon all property vested in public securities. He wished for the yeas and nays on this question.

The yeas and nays were agreed to be taken.

Mr. NICHOLAS wondered to hear the observation of his colleague. He should vote for the question, though he and his constituents would be affected by it ; but, in the district which that gentleman represented, there were no slaves ; and it was therefore his constituents' interest to have a tax on slaves, in order to lighten that on land.

Mr. G. JACKSON said, it was not so much on account of the interest of himself or constituents that he opposed this tax, but he objected to it as a capitation tax.

Mr. MOORE said, the situation of the Southern

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States had been truly stated. In the Western parts, there were few slaves. He said, in the representation to that House, the labor of the negroes had been considered as five to three, with respect to white persons; therefore, the ability of the State to pay was considered in the same proportion. His colleague from the mountains [Mr. G. JACKSON] should consider that, if the holders of slaves were not to pay a portion of the tax imposed on the State of Virginia, it would fall very heavy upon his constituents, and those of his colleague, where few blacks were kept.

He hoped, therefore, it would pass.

Mr. JEREMIAH SMITH was aware that a tax on slaves would lighten the tax on land in the Southern States, and therefore he did not wonder at the Representatives from those States wishing it to take place; but, by so apportioning the tax, would not the land-holders in the Southern States pay less than the land-holders in parts of the Union where no slaves were kept? He believed they would. A person, for instance, in New Hampshire, holding the value of £1,000 in land, would pay a larger portion of the tax than a holder of land to the same extent in Virginia. He believed this would be unjust, and an objection to this mode of taxing the Southern States, as, though the tax would fall more equally on them, it would not be so with respect to other States.

Mr. GOODRICH said, this tax was introduced into the system for the accommodation of that part of the Union where slaves were numerous.

A disposition to render the plan as acceptable, in every part of the country, as it could be made, consistently with the interests of the whole, ought to prevail. But, before a tax on slaves was adopted, its operation on the Union, and its effects, as it respected different districts, should be considered.

A direct tax ought to fall as equally as possible everywhere; that on land and houses, with their improvements, which had been agreed to, would be laid by a valuation seldom repeated—perhaps, once in ten or fifteen years. The expense of its assessment and collection would be nearly equal throughout the United States; but, with respect to a tax on slaves, there would be required frequent enumerations—at least, an annual enumeration. This would be attended with considerable expense, to be defrayed, not by the particular districts, for whose benefit this species of tax was introduced, but by the United States.

There was another objection. A land tax was certain—it might, and undoubtedly would, be made a lien on the real estate on which it was laid. It would be liable to little, if any, loss. Not so with a tax on slaves. Such a tax, he apprehended, would be uncertain, exposing the revenue to considerable defalcations. If a provision could not be made to place the loss on the districts where it happened, by retaxing them it would operate unequally. He imagined a retaxation for defalcation, if it could be made, would be considered as unjust, and create discontent among the individuals who were subjected to it; and if that could not be done, the deficiency must fall on the

Union, and would produce uneasiness from its partial effects. He did not know how the detail would be arranged. He had been of the number who were desirous to see the collection-law, before they decided on the resolution before them, so as to have possessed the whole subject. At present, he saw so many difficulties from incorporating this species of tax into the plan, he could not assent to it.

Mr. NICHOLAS said, he did not understand the objections of the gentleman from New Hampshire, [Mr. J. SMITH.] He did not see how he could produce an equal value in land in every part of the Union. The tax, he said, would be apportioned according to the number of persons, and not according to the number of acres in any State.

If the gentleman from Connecticut [Mr. GOODRICH] would rely upon his information, he might be assured, that an annual enumeration of slaves would not cost so much as an assessment of land made once in ten years. With respect to the tax being uncertain, he was totally mistaken. It was the most productive tax in the Southern States. If the tax was laid wholly upon land, it would be laid on a great part which would be unsaleable, and when a report came to be made of the collection, there would be found great deficiencies; but, with respect to slaves, there would be no failure, because they were a species of property which would always find a ready sale in the Southern market.

Mr. S. SMITH said, he had heard much on that floor with respect to equality of taxation. It was impossible, he said, to make taxes fall exactly equal; they will fall, in some cases, heavier than in others. He would state a case. When a tax on carriages was under consideration, they found the gentlemen from Connecticut voting without scruple, because that State paid only two or three hundred dollars annually, when Maryland paid five thousand dollars a year to that duty. There was no equality in this; yet those gentlemen winked at the disproportion. He hoped they would do so in the present case.

Mr. POTTER said, if this part of the resolution was agreed to, it was to apportion a tax on the personal property of the Southern States, which, no, doubt, they would be glad of; and if gentlemen from those States could point out any way by which the personal property of other States could be come at, he would agree to the present proposition; but he believed this could not be done; and, if not, he saw no reason why the personal property of those States should be made to bear a part of the proposed burden, whilst personal property in other States was suffered to go free. It was a hard case, he said, that a man who possessed three or four hundred dollars in land, should be made to pay a portion of the direct tax, whilst men of affluence, who possessed many thousands in public securities, or loaned on interest, should pay nothing.

The SPEAKER reminded the House, that the question was very much lost sight of; it was not whether a tax should be laid on carriages or personal property, but whether they would agree to

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the report of the Committee of the Whole, viz: "that a tax should be laid on slaves, with certain exceptions."

Mr. HENDERSON said, he should vote against this proposition, because it was a direct tax, as he should vote against every question of that kind, until every source of indirect taxation was exhausted; and he thought this was not the case at present.

Mr. CLAIBORNE said, he thought, also, that direct taxes should not be resorted to until indirect sources were exhausted; but, he believed, they were now exhausted, and that direct taxes were the only means left to them of raising money. As he lived in a country which was unfortunately *cursed* with negroes, he wished the present motion to pass, for the sake of making the tax bear, in some degree, equally in the Southern States; but, if he thought with his colleague [Mr. JACKSON] that a tax on slaves bore any affinity to a capitation tax, he should also oppose it; but he had no such idea.

Mr. GALLATIN said, he would just notice what had fallen from the gentleman from Connecticut [Mr. GOODRICH] which was the only thing like argument which had been used against the present proposition. As to what had been said about the quantum of tax falling on different States, or what had been said by the gentleman from Rhode Island [Mr. POTTER] with respect to the personal property of the Eastern States, he did not see how it applied to the present question. If the proposed tax was certain, and the expense of collection would not be greater than would attend the collection of the tax in other States, he did not see any objection to it.

The gentleman from Connecticut had said, that the expense of an annual enumeration of slaves would be great, and that it would fall upon the United States. He would inform that gentleman and the House, that when no assessment took place, but merely an enumeration, it would be attended with no expense on the collection of the tax. The distinction which he made was, when a valuation and an enumeration were both necessary, and when an enumeration alone was necessary. In the first instance, the value of the property was to be ascertained, and the tax laid accordingly; but where an enumeration was only wanted, (the tax per head, according to age, &c., having been settled,) no expense would be incurred.

Mr. G. said, he spoke from experience. In Pennsylvania there was a certain tax on personal property, the taking an account of which did not increase the expense. Every three years there was an assessment of personal property, amongst which was slaves; but the enumeration was managed in this way: the collector called twice upon persons—the first time he gave them notice to pay, and took an account of their property, which, consisting of few articles, and the value being already fixed, he could tell them at the time, the amount to be paid at his next call.

As to any degree of uncertainty apprehended from this tax, that might be removed by throwing

the deficiency, if there should be any, upon the land. He thought, therefore, the objections which had been urged against this tax, would be completely obviated.

Mr. CORR allowed, that nothing was more clear than that the manner in which the Southern States paid their apportionment of the proposed burden, could make no difference to the Northern and Eastern States; but the gentleman from Pennsylvania [Mr. GALLATIN] allowed there was some weight in the objections, with respect to the assessment and collection of the tax.

If he understood that gentleman, he said that the making an enumeration of slaves would make no difference in the expense. He did not know how this could be. If two objects were to do, viz: to value and assess the land, and to enumerate and value the slave, it was new doctrine to him, if these two things would not cost more than if only one had been done; or, if this business would be done for nothing, it would be one of the first things the United States had had done upon those terms.

Upon the collection, there would also be an additional expense and a probability of loss; the more detail there was in the business, the greater liability to error and loss to the United States; and in proportion to this loss would these States pay less than others.

Mr. HARTLEY said, he should at present vote for the proposition; but should feel himself at liberty to vote differently on the bill, if he did not approve it. Difficulties arose in his mind as to the propriety of taxing personal property in one State and not in another, by which means a bounty seemed to be given on land in the Southern States to the amount of the difference of the taxes between the land in those States, and that, in other States, upon which purchasers would naturally calculate. This difficulty might probably be removed from his mind; and, therefore, in order to give the whole of the business a fair chance, he should wish the resolutions to go back to the Committee of Ways and Means, to bring in a bill.

Mr. PAGE did suppose that gentlemen coming from States which were in the habit of collecting direct taxes, would have endeavored to accommodate the business to the situation and circumstances of different States, so as to make the system the most convenient to each. He did suppose that, whenever it should have been determined to enter upon direct taxation, that sums would have been apportioned to each State, and that they would have been left to themselves to have raised the money in the way which they thought most convenient. Insurmountable objections, however, it seemed, had been found against this system, as appeared from the report of the Secretary of the Treasury; but it was unreasonable that the Northern States should complain that the Southern States would pay the tax with greater facility than them. They might, he said, as well complain against the richness of their soil, or the warmth of their climate.

With respect to the tax falling lighter on them than on other States, those who held slaves would

find it lighter, but those who had none, would not. But he thought it extraordinary that, whilst they were upbraided with holding a species of property peculiar to their country, they should also be upbraided with wishing to pay a duty upon that property.

Mr. P. said, he did not see what difference it could make to other States, that they raised a part of the tax required of them from slaves. The Secretary of the Treasury had recommended this mode, the Committee of Ways and Means had reported accordingly; and they were ready to pay a tax for their slaves, in addition to the expense they were at for them already; for, it should be recollected, persons holding slaves, contribute largely to the duties collected from imposts, by the purchase of flannels and cloth, rum, molasses, &c., necessary for their food and clothing.

If a person living in a State where slavery did not exist, paid something more for his land, the difference was certainly not equal to the satisfaction he must enjoy in reflecting, that his State was free from that evil. His land, on that account, would be worth three times as much as land of the same quality in the Southern States. Why, then, do gentlemen complain? The Southern States themselves might have objected to this tax; they might have doubted the constitutionality of it; indeed, he did doubt it, but he had agreed to it; and he believed there was no better way of making the tax go down in those States, than by the present measure.

For his own part, Mr. P. said, he wished he lived where there was no slavery; and if he could find a climate he liked as well, he would change his situation on that account.

Mr. BRENT said, it was a very extraordinary thing that gentlemen who represented States where there were no slaves, should oppose a tax on that species of property, and that the Southern States where slavery existed, should be advocating that tax.

By the report of the Secretary of the Treasury, there appeared a deficiency of revenue, and in order to supply that deficiency, they had determined to have recourse to direct taxation; and, after the amount which each State ought to furnish, had been ascertained, he thought it should have been left to the different States to have raised the money from such funds as they judged best, provided they had been secure. This, he thought, would only have been liberal and proper. It had, however, been determined otherwise; but, from a knowledge that, by introducing land and slaves together, as objects of taxation, the tax would be more equally levied in the Southern States, if that plan had been adopted. And, surely, he said, it could have given no satisfaction to any other State, that, by laying a tax on land only, it should have operated in a very oppressive manner in some parts of the Southern States, and scarcely have been felt at all in other parts of those States; and yet, this would appear to be the opinion of the gentleman from New Hampshire; for, he said, if this law passed, a person possessing landed property in New Hampshire, of the value of £1,000,

would pay more than a land-holder to that amount in the Southern States. And was this, he asked, a subject of regret? If the State of Virginia paid the amount required of her in a manner which bore most equally upon the whole of her citizens, ought that to displease the citizens of other States? He thought not. He was of opinion, that it would be a desirable thing that the tax should be found to fall equally on the citizens of every State.

Another objection, produced by the gentleman from Connecticut [Mr. GOODRICH] was, that a tax on this species of property would not be so secure as a tax on land. If that gentleman had been acquainted with the situation of the Southern States, he would have known that slaves formed the most certain fund of those States; for, whilst their wide and extensive waste lands would not command any price, slaves were always ready sale. Hence it arose, that the States were not able to raise a tax on land, whilst a tax on slaves had never failed to be productive.

With respect to the inconvenience or expense attending a tax on slaves, in Virginia, he said, no expense would be necessary; because it was the custom of that State to take, annually, a list of their slaves, which was regularly recorded in the archives of the State. If gentlemen were, therefore, so economical that they would not expend a few of the public pence to get a list of this property, let them recur to the document he had mentioned, which might be done without expense.

To those who know the situation of the Southern States, the remarks made by the gentleman from Pennsylvania [Mr. GALLATIN] must have been irresistibly impressive. Almost the whole of the lower part of the country possessed property of this kind, whilst the upper parts had scarcely any. If a tax was, therefore, imposed upon land only, the upper part of the country would be extremely aggravated, and would murmur, and they would murmur with justice.

Gentlemen from the Eastern States called upon the Representatives of the Southern States to point out a mode by which they might come at the personal property of their States. But, he would ask them, if, independent of land with its improvements, they possessed any other species of property which could not be eluded? He believed they could not point it out; why, then, call upon gentlemen from the Southern States to do, what they, who certainly knew best their own resources, were unable to do?

The gentlemen from the Southern States, he said, had discovered those objects which they thought best able to bear the burden; and if the Representatives of the other States were not satisfied with the tax on land, let them come forward and say what other property they have equally secure, upon which a tax may be laid.

It was a phenomenon, he would again say, that the Representatives of States where slavery existed, should be contending for a tax upon slaves, and that members from States where slavery was not tolerated, were opposing it. He could not help believing that the real object of gentlemen

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had not been avowed. It was something hidden and unseen.

Mr. KITTERA said, that the opposers of this part of the resolution were the opposers of a direct tax altogether. It was observable that those upon whom the tax would fall, did not complain. It was extraordinary that the complaints should come from another quarter. As to the objections of his colleague [Mr. HARTLEY] that part of the tax being laid on slaves in the Southern States, would affect the value of land, it would make no difference whether the tax was on land or slaves, as it affected land, its operation would be the same. It was therefore no solid objection against the resolution.

On the question, that the House do agree to the last part of the said resolution, in the words following, to wit: "A tax on slaves, with certain exceptions;" it was resolved in the affirmative—yeas 68, nays 23, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, Thomas Blount, Theophilus Bradbury, Richard Brent, Daniel Buck, Samuel J. Cabell, Gabriel Christie, Thomas Claiborne, Isaac Coles, William Cooper, William Craik, James Davenport, George Dent, George Ege, William Findley, Abiel Foster, Jesse Franklin, Albert Gallatin, James Gillespie, Nicholas Gilman, Henry Glen, Christopher Greenup, Andrew Gregg, William B. Grove, Wade Hampton, George Hancock, Robert Goodloe Harper, Carter B. Harrison, Thomas Hartley, John Hathorn, Jonathan N. Havens, William Hindman, James Holland, Andrew Jackson, John Wilkes Kittera, Matthew Locke, Samuel Lyman, Samuel Maclay, Nathaniel Macon, James Madison, John Milledge, Andrew Moore, Frederick A. Muhlenberg, William Vans Murray, Anthony New, John Nicholas, Alexander D. Orr, John Page, Josiah Parker, John Patton, Francis Preston, Robert Rutherford, Samuel Sewall, Samuel Sitgreaves, Israel Smith, Isaac Smith, Samuel Smith, William Smith, Richard Sprigg, jun., William Strudwick, John Swanwick, John E. Van Allen, Philip Van Cortlandt, Abraham Venable, Peleg Wadsworth, John Williams, and Richard Winn.

NAYS.—Nathan Bryan, Dempsey Burges, Joshua Coit, Samuel W. Dana, Henry Dearborn, Dwight Foster, Nathaniel Freeman, jun., Chauncey Goodrich, Roger Griswold, Thomas Henderson, George Jackson, William Lyman, Francis Malbone, Elisha R. Potter, John Reed, John S. Sherburne, Jeremiah Smith, Nathaniel Smith, Zephaniah Swift, George Thatcher, Richard Thomas, Mark Thompson, and Joseph B. Varnum.

And then the main question being taken, that the House do agree to the resolution, as reported by the Committee of the Whole House? it was resolved in the affirmative—yeas 49, nays 39, as follows:

YEAS.—Thomas Blount, Richard Brent, Daniel Buck, Samuel J. Cabell, Thomas Claiborne, Joshua Coit, Isaac Coles, William Craik, George Dent, George Ege, William Findley, Albert Gallatin, Nicholas Gilman, Henry Glen, Chauncey Goodrich, Christopher Greenup, Andrew Gregg, William B. Grove, George Hancock, Carter B. Harrison, Thomas Hartley, John Hathorn, Jonathan N. Havens, William Hindman, John Wilkes Kittera, James Madison, John Milledge, Andrew Moore, Frederick A. Muhlenberg, William Vans Murray, An-

thony New, John Nicholas, Alexander D. Orr, John Page, Josiah Parker, John Patton, Francis Preston, Robert Rutherford, Samuel Sewall, Samuel Sitgreaves, Isaac Smith, Samuel Smith, William Smith, Richard Sprigg, jr., John Swanwick, John E. Van Allen, Philip Van Cortlandt, Abraham Venable, and John Williams.

NAYS.—Fisher Ames, Theodorus Bailey, Theophilus Bradbury, Nathan Bryan, Dempsey Burges, Gabriel Christie, Samuel W. Dana, James Davenport, Henry Dearborn, Abiel Foster, Dwight Foster, Jesse Franklin, Nathaniel Freeman, jun., James Gillespie, Roger Griswold, Wade Hampton, Robert Goodloe Harper, Thomas Henderson, James Holland, Andrew Jackson, George Jackson, Matthew Locke, Samuel Lyman, William Lyman, Samuel Maclay, Nathaniel Macon, Francis Malbone, Elisha R. Potter, John Reed, John S. Sherburne, Jeremiah Smith, Nathaniel Smith, Zephaniah Swift, George Thatcher, Richard Thomas, Mark Thompson, Joseph B. Varnum, Peleg Wadsworth, and Richard Winn.

Ordered, That the Committee of Ways and Means do prepare and bring in a bill or bills, pursuant to the said resolution.

UNITED STATES LAWS IN TENNESSEE.

The House then went into a Committee of the Whole on the bill for giving effect to the laws of the United States in the State of Tennessee.

A considerable debate took place on the subject of the salary of the District Judge to be appointed under the act. The bill provides that he shall be paid 1,000 dollars a year. Mr. SWIFT moved to amend the bill by striking out \$1,000, to insert in its place \$800. This motion was supported by Messrs. WILLIAMS, HENDERSON, W. SMITH, W. LYMAN, and KITTERA, on the ground of 800 dollars being sufficient to afford a handsome maintenance in that country; that it was equal to the pay of any Judge in the Union, considering the duties he would have, and the cheapness of living; that if compared to the salaries allowed by that State to its officers, it was a high salary, as their District Judges were allowed only 68 dollars a circuit, and their Governor only 650 dollars a year; that if more was allowed, it would be doing an injury to the State, as it would tend to make their officers dissatisfied with their pay: that to pay a larger sum would bring a charge of extravagance upon the Government: that the District Judge of Vermont had only \$800; and that if \$1,000 were given to the Judge of Tennessee, it would not only lead him to expect an augmentation of salary, (which he had already applied for) but every Judge in the Union would expect to be advanced. This, it was said, was a serious consideration, since a Judge's salary could not be lowered, and to hold out an idea that they might be increased on application, would have the effect to make the Judges in some degree dependent on that House. The present want of money also cautioned them against extravagance.

On the other hand, Messrs. A. JACKSON, HOLLAND, BLOUNT, MACON, BUCK, THATCHER, and S. SMITH, were in favor of the salary being 1,000 dollars. In order to induce men of abilities to accept of such offices, they wished them to be liberally paid; that no Judge in the Union had a

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less sum. except the Judge of Vermont, whose salary they hoped would be increased; that though most of the necessities of life were tolerably low, yet every article imported was very high in that country, owing to their distance from the sea; that he would have four times a year to travel through the wilderness, which was always attended with danger, and which, if a war should at any time take place with the Indians, would be at the risk of his life; that the salaries of the State officers ought to be no rule in this case, since the State was poor, and they had generally been accepted from patriotic motives; it was added that they had not been in the habit of being guided by the practice of States, who were mostly too penurious in the pay of their officers; the members of Congress received double the pay of the members of any of the State Legislatures, and they heard of no complaint on that ground.

The question on the amendment was put and carried—39 to 35. The Committee then rose and obtained leave to sit again. Adjourned to Monday.

MONDAY, January 23.

THOMPSON J. SKINNER, from Massachusetts, in place of THEODORE SEDGWICK, appointed a Senator of the United States, appeared, produced his credentials, was qualified, and took his seat in the House.

Mr. SWANWICK, from the Committee of Commerce and Manufactures, reported a bill in addition to an act for mitigating and remitting certain penalties incurred under the revenue laws, making it to extend to the acts relative to the registering of ships, and to vessels employed in the fishing and coasting trade. The bill was twice read and ordered to be committed to a Committee of the Whole on Wednesday next.

Mr. S. also reported a bill relative to the compensation of certain officers employed in collecting duties on imposts and tonnage, proposing to allow the Collectors of the several ports, instead of their present salaries, a certain per centum on the amount of duties collected, with sundry other regulations. It was read a second time, and ordered to be committed to a Committee of the Whole on Thursday next.

Mr. GILMAN, from the Committee to whom was referred the business relative to the refugees from the British provinces of Canada and Nova Scotia, reported a bill, which was read twice, and committed to a Committee of the Whole on Thursday next.

UNITED STATES LAWS IN TENNESSEE.

The House resolved itself into a Committee of the Whole on the bill for extending the laws of the United States into the State of Tennessee, which having gone through without further amendment, the Committee rose, and reported the bill. The House then took it up, and having agreed to the amendment, ordered the bill to be engrossed for a third reading to-morrow.

MILITARY ESTABLISHMENT.

The House then went into Committee of the Whole on the subject of the Military Establishment. The following report from the Committee was read:

Resolved, That, in their opinion, all such parts of the act which relate to the light dragoons, ought to be repealed. That a Major General, and his staff, are not longer necessary; they therefore recommend a repeal of the third section of the said act, together with all other parts thereof, which relate to the Major General and his staff; and they recommend the following resolutions, viz:

Resolved, That there shall be one Brigadier General, who may choose his Brigade Major and Inspector from the captains and subalterns in the line; to each of whom there shall be allowed the monthly pay of — dollars, in addition to his pay in the line, and two rations extraordinary per day; and whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof. That there shall be one Brigade Quartermaster, one Brigade Paymaster, and one Judge Advocate, who shall be taken from the commissioned officers of the line, and each of whom shall be entitled to receive two rations extra, per day, and — dollars per month, in addition to his pay in the line—and whenever forage shall not be furnished by the public, there shall be allowed to the Brigade Quartermaster, — dollars per month, and to the Brigade Paymaster and Judge Advocate, each — dollars per month, in lieu thereof.

Resolved, That so much of the 23d section of the said act, as may be construed to affect the Brigadier General and his staff, be, and is hereby repealed.

Resolved, That eight privates be added to each company of infantry.

Resolved, That from and after the — day of — next, the pay of the Lieutenants shall be thirty dollars, and that of the Ensigns, twenty-five dollars per month. That to the Brigadier, while Commander-in-Chief, there shall be allowed — rations per day extraordinary; and each officer commanding a separate post, shall be entitled to receive twice the number of rations to which he otherwise would be entitled.

Resolved, That the Majors be entitled to receive four rations per day, for their subsistence."

Mr. BALDWIN said, that the question ought to be taken, first, on the dismissal of the dragoons in the first part of the report.

Mr. DAXTON (the Speaker) said, that he wished the select committee would inform the Committee of the Whole whether this part of their report was the result of a conviction that cavalry would be unnecessary for the defence of the frontiers, or whether they meant to substitute two companies of militia horse in the place of the regular corps proposed to be dismissed. If the latter was the object, Mr. D. hesitated not to say that it ought not to be adopted. It was well ascertained that the militia cavalry were more expensive than the regulars; that the former were far more harassing to our citizens than the latter, and that, on account of their attention being necessarily divided between their families and their military duty, less real service could be expected or required from them. If, therefore, any horse were necessary, he was persuaded that those now in service should

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be retained as affording more effectual and more economical protection. The expenses of enlisting the dragoons and of purchasing the horses, had already been incurred. But if the select committee were satisfied that the employment of any horsemen was unnecessary, and a majority should concur with them, then Mr. D. said he should rejoice at the prospect of a saving of expense in this particular instance.

Mr. S. SMITH said, he did not know that the question relative to repealing of so much of the act as related to dragoons, was under consideration, or he should have thought it necessary, without being called upon, to have given the information inquired for; but he thought the question had been upon adding the word "Resolved" to the first article of the report. The select committee, in taking the subject of light dragoons into consideration, was of opinion, that there was no immediate necessity for horse on the Northwestern frontier; for, as all the supplies would now be transported by water, there would be no necessity for light dragoons to conduct them. They also took into consideration the Southern frontier, and were of opinion that no horse were necessary there, and therefore, that the two troops of horse might be dispensed with.

This, he said, was the ground of the report: but, since the report was made, he had had some conversation with the Secretary of War, who had politely shown him the correspondence which had taken place between him and the Governor of Georgia, by which it appeared that it had been necessary to keep up one or two troops of militia horse on that frontier: and he found that the Secretary of War, discovering that two companies of horse were not necessary on the Northwestern frontier, had sent one company, and intended sending the other, to the frontiers of Georgia, believing that Continental troops would be more useful than Militia, and also prevent the harassing too much the yeomanry of that country by that service.

He thought it necessary thus far to state the opinion of the Secretary of War. The estimate of the expense of the two companies of Militia, he found to be 26,505 dollars, whilst that of the regulars was only 22,212, making an equal number of militia horse more expensive than the Continental cavalry, by nearly 4,300 dollars. The Secretary of War seemed to think it was necessary either to keep up the military horse, or send cavalry to that frontier. The gentleman from Georgia would, perhaps, be able to say which would be the most pleasing or necessary.

These two companies of horse, it was true, Mr. S. said, cost as much as a regiment of infantry; and if the frontier was to be protected, it became a question whether a regiment of infantry would not be more effectual than two troops of horse.

Mr. DEARBORN said, if it should appear to the satisfaction of the Committee that two companies of horse were necessary on the frontiers of Georgia, no member would hesitate about retaining the two companies already in the establishment; but he was not convinced that any horse was ne-

cessary. He acknowledged he was not very well acquainted with that frontier, but he could see no good and substantial reason why, in time of peace, garrisons would not answer the purpose there as well as on the Northwestern frontier. If it were said the garrisons were so far apart as not to be a sufficient defence, he believed more infantry might be spared for that quarter, which would be vastly cheaper, and quite as useful as horse. He supposed these troops were wanted to prevent the people of Georgia from going into the Indian Territory, and the Indians from coming within the boundary of Georgia, and that horse were considered more effectual for this purpose; but he could not see what effect a small body of horse could have, more than infantry. If the white people, or Indians, could not be kept in obedience, without being watched from hour to hour, they might as well make a chain of defence from one end of the frontier to the other; but he saw no reason to induce him to keep up such a patrol on that frontier, any more than upon others. If any gentleman could show the necessity of these troops in time of peace, he should be for negating the report; but, until that was shown, he should remain of the opinion that it would be of no use to retain the cavalry.

Mr. VENABLE wished to know whether the purchase of horses was stated in the estimate? for he had remarked that there had been almost continually an annual purchase of horses.

The Clerk read from the estimate that nine thousand four hundred and fifty dollars were charged for the purchase of sixty-two horses, from which a deduction of five thousand seven hundred and ninety-two dollars was made for the value of the horses at the end of the year.

Mr. S. SMITH said the whole charges of two companies of dragoons was fifty-two thousand dollars a year.

Mr. BALDWIN said, it had been suggested the last session, when the subject was under discussion, (and, he was of that opinion,) that the cavalry was unnecessary; and it would be recollected that the House first determined upon having only one company, but afterwards they resolved upon two. From the intercourse which had taken place between the Secretary of War and the Governor of Georgia, it appeared that horse were preferred to infantry for guarding that frontier; and as only a few months had elapsed since the law was passed, he did not think it necessary now to make any alteration in it; for if they went again into the subject, they should probably come to the same thing again. In one part of the frontier, it appeared that cavalry was the best for defence; in another, infantry. He had therefore reconciled his mind to the measure, and saw no reason for the proposed repeal.

Mr. DAYTON rose to make reply to the member from Massachusetts. That gentleman had undertaken to instruct him in his duty, and seemed to have forgotten or neglected his own. Without advocating absolutely the retention in service of the two companies of cavalry, he had exercised a privilege which he enjoyed, in common with

other members, to ask from the select committee whose peculiar duty it had been, and who had a better opportunity to procure it, some information as to the usefulness of the cavalry, and some explanation as to the effect of adopting this part of their report. He was desirous of having it understood before the vote was taken whether the cavalry were to be disbanded as too expensive, unprofitable, and unnecessary, or whether they were to be discharged in order to make way for the employment of an equal or greater number of militia horse? Which ever of those two objects had been the favorite one of the Committee, did not appear from the question under consideration, nor from any part of the report. Yet it was certainly important that there should be a perfect understanding as to the tendency of the measure before it was adopted. This inquiry would not be deemed fruitless or improper by those who recollected the arguments which were urged and actually prevailed in a former session in favor of a reduction of that corps from four to two troops. They were then told, and Mr. DAYTON owned that he himself believed it, that by that reduction they would save to the United States the expense of paying, subsisting, and equipping two troops of horse. Could it be said that the event had corresponded with their expectations, and that they had realized the saving which had been contemplated? On the contrary, he asked, if it was not true that the two troops of militia horse had been kept up to supply the deficiency, at an expense to the public of about eight thousand dollars more than would have been incurred if the reduction had not taken place. He had certain information that two militia troops had been continued in the pay and service of the United States from that time to this, and that even a third had been called out and employed a part of the time. It had been proved to the conviction of every member, by an estimate founded on actual expenditures, that a troop of militia would exceed in expense that of regular cavalry about four thousand three hundred dollars per year. Another source of extraordinary expense ought also to be taken into the calculation. The militia generally are called into service under circumstances that rendered it inconvenient to absent themselves long from their families, and therefore the real claims and pretexts they could set up for furloughs, and the facility with which they could procure them from officers who were not in habits of severe discipline, made it necessary to have three companies upon the musters, and of course in pay, in order to insure the actual service of two only. These inconveniences had already been experienced to their cost, and ought to operate as a lesson of caution in future. Congress had reduced on a former occasion their squadron of horse from four troops to two, yet two troops of militia had been kept up to supply their place at a greater expense. They had, it was true, in consequence of the reduction, reduced the appropriation for the Military Establishment about forty-four thousand dollars; but it was equally true that the militia that were substituted

had swelled the expenditures under the general head of the defensive protection of the frontiers about fifty-two thousand dollars.

It was of little consequence to the people of the United States, under which head of expenditure the expenses were incurred, whether that of "Military Establishment," or "defensive protection of the frontiers" if no saving was produced by the transposition. That there had been no economy in the former instance of reduction, but, on the contrary, additional expenses, was clear, and they ought now to consider the question as deciding whether horse of any description were necessary; and if the reform and disbandment of those in service should be determined upon, they ought to carry the same determination into the appropriation bill, and reduce the charges under the head of the defensive protection of the frontiers in the same proportion. If they acted otherwise, they would be deceiving themselves, or rather they would be deceiving their constituents, by holding up to them an appearance of saving under one head of expenditure, and as certainly, though somewhat more disguisingly, squandering away the same or a greater sum, and for the same purpose, under another head, and that more general, and less capable of being checked.

Mr. NICHOLAS did not think the information before them was complete. He thought it extraordinary that the gentleman from Georgia should have thought the cavalry unnecessary six months ago, when it was said they were wanted on the Northwestern frontier, and now, when they were found to be unnecessary there, that he should think them necessary in another place. It was true that a regulation had been made at that time in the Military Establishment, but it was not less true that they had been deceived with respect to what was necessary. He wanted to know, not only whether cavalry was less expensive than militia horse, but whether either were necessary, and what they were to do? He had no information on the subject. They had been told that two or three Governors of Georgia had recommended cavalry to be sent there; but in the course of that time, they had been at war with the Creek Indians, and were now at peace.

It appeared to him as if they were never to reduce their expenses: whether we were at peace or war, no alteration was made in our establishments; for, if men were not wanted in one situation, they were sent to another, though no real necessity existed for them. He hoped they should receive further information on the subject, if there was any need of retaining the cavalry proposed to be dispensed with.

Mr. DEARBORN said, that he expected the gentleman from New Jersey [Mr. DAYTON] instead of showing that cavalry would be cheaper than militia horse, would have shown that either one or the other was necessary; because, if any were necessary, he had allowed that regulars were preferable to militia; but instead of that, he had told them that two or three Governors had said that two or three companies of horse were necessary. He had no doubt the Governor of Georgia might

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say they were necessary now; he could not say how disinterested he was. He had no doubt but the people of the district of Maine, and in other situations, would have no objections to have two companies of horse kept up there at the public expense. How far this kind of evidence ought to have weight, the House would determine. For his part, except these horse could be shown to be necessary, from the situation of the country, independent of the opinion of any Governor, he should be for agreeing to the report before them; for, if these troops were to be sent there without necessity, in two or three years they would be told they had no occasion for them; but, so long as they agree to pay these horse, to do he did not know what, he did not expect to hear any objection from that quarter. Being at perfect peace on the Northwestern frontier, a large number of infantry may be spared from that quarter for the defence of the Georgia frontier, if necessary; but, except he heard stronger reasons for the measure than he had yet heard, he should oppose the retaining of horse in our establishment.

Mr. MILLEDGE said, it was well known that they had an extensive frontier of betwixt two hundred and three hundred miles, and that the Governors of Georgia had always been of opinion that horse were the best defence for that frontier; that they bordered on a numerous savage tribe of ten thousand or twelve thousand men; and who, in a state of peace, were always committing depredations upon them, so that it required troops to be constantly passing backward and forward to keep them in order. Dragoons, he said, had been constantly employed for that purpose, and it had been allowed that the expense of militia horse was greater than that of regulars; he hoped, therefore, the law would remain as at present, and that horse would be sent to defend that frontier.

Mr. WILLIAMS observed that, when the bill passed last session, it was said that these horse would be wanted to convey information from one garrison to another on the Northwestern frontier. This necessity no longer existed; and, of course, these troops may be dispensed with: but, it was said, they were wanted on the frontiers of Georgia, because the frontier was betwixt two hundred and three hundred miles in extent. But was this frontier more exposed to danger than the Northwestern frontier? He believed not. It was time, he said, that they endeavored to reduce the expenses of Government, wherever they would admit of it, and he believed this object of expense might well be spared.

During the last session, Mr. W. said, that they had laid before them the number of troops in service, and he expected to have had a similar account this session, not only of the troops in actual pay, but where stationed; for, though he had the highest opinion of the officers of their departments, he wished to form his own opinion on every subject upon which he was called upon to vote.

When this subject should have been fully discussed, he should wish the Committee to rise, for the purpose of obtaining further information on the subject.

Mr. S. SMITH said, the information which the gentleman last up wished for, had not been unattended to by the select committee; but the new organization of the Army from legions to regiments, which had lately taken place, and the death of General Wayne, had prevented regular information on the subject from being obtained from the Secretary of War. Neither the number of men, nor their station could be accurately ascertained; nor was this essential, because where the troops are now, is not where they will shortly be. After the necessary garrisons were furnished, he believed there would remain out of the four regiments, six or eight companies.

If the Committee rose, Mr. SMITH believed no more information could be had on the subject.

It was asked, whether cavalry was necessary for the defence of the Southern frontier? The Secretary of War had said they were; and if the present cavalry were not retained, he supposed militia horse would be employed, the expense of which it had been seen would be greater than that of regulars.

Mr. HARTLEY said, he was upon the select committee, and very reluctantly agreed to this part of the report. The expense of the horse, it was true, was a very important consideration. Upon inquiry, it was found that dragoons were not necessary on the Northwestern frontier; but that might not be the case in the Southern. The people of Georgia, it seemed, considered dragoons as the most proper defence, and he thought they might be indulged with so small a number as two troops of horse, since it would be less expensive than employing the militia.

Mr. H. said, from a consideration of doing away the cavalry, it had been recommended to add eight men to each company of infantry; but, from the present state of things, he should think it his duty to oppose the repeal of that part of the act.

Mr. HOLLAND said, when this subject was formerly before them, a part of the House wished to have dispensed with the dragoons; but it was said they would be necessary for conveying information, &c. It now appeared, however, that they were not necessary, and that the minority on that occasion were right. But now, it was said, they were necessary for the protection of the frontiers of Georgia. He saw no reason for this, nor did he think that country was in greater danger from the Indians than the frontiers in other parts of the Union; indeed, it had somewhat the advantage of other parts, by the openness of the country.

It was the opinion of the Governor of Georgia, it seemed, that horse were necessary, and that cavalry would be cheaper and better than militia horse; but the necessity did not appear, and until it did, that House was not to be governed by the opinion of one or two gentlemen. It was necessary they should judge for themselves.

Mr. RUTHERFORD said this was a matter of moment. Dragoons were expensive, and they had no business with them. To keep up a battle array, in time of peace, was inconvenient. When they were desirous of decreasing their expenses, this

was an object of importance. With respect to the frontier, he said, he looked to the frontier of every part of the Union with as much feeling as any man. He knew the difficulties experienced on all frontiers, he had long been acquainted with them; but when he considered that two companies of dragoons were called for to protect a frontier of three hundred miles, they were not competent to the business. If an emergency should take place, and those savages—those uninformed creatures—should make war upon the frontier inhabitants, the Governor would, of course, call forth a certain number of the people—the militia—according to the emergency; and this appeared to him a more rational defence than sending of two companies of dragoons to watch their motions. Reason, he said, was outraged by the idea. It would please him to keep up a large force, as we had many martial men of merit; but it would be deceiving of them, to give them a momentary employment, when they could engage their time better; as, when the situation of the country wanted them, they would be ready to come forward; but, in the mean time, they would do well to find some useful occupation.

Mr. GALLATIN said, whether they considered the increase of expense which had taken place in every branch of the Military Establishment, or whether they compared our present situation with the danger which threatened us when this establishment was fixed, or the present situation of our finances, they must approve of the report before them, as it related to a reduction of the Military Establishment. It must be remembered, he said, that this establishment was fixed in March, 1792, immediately after the defeat of General St. Clair. At that time the dragoons were added, and three additional troops of infantry; and, in order to show that the addition was made only for the emergency, there was a provision in the act to this effect: "Provided, that the same three troops shall be disbanded as soon as peace shall take place with the Indian tribes."

Last year, he said, it was thought that circumstances being changed, peace being established, it was necessary and proper to reduce the infantry and abolish the cavalry, but it was said they were wanted to take possession of the posts, &c. And now, when all those purposes were completed, the cavalry were wanted for the frontiers of Georgia; and, if that frontier were completely secured, he supposed some other reason would be found for retaining these troops in service.

If they were to indulge every State, Mr. G. said, which chose to make a requisition for troops, without inquiry, there might be no end of the expense. They might be called upon by Tennessee, Kentucky, and the Northwestern frontier, for regular troops, or for the support of militia, to an extent not to be calculated.

Mr. G. thought it was their duty to reduce the Army to the footing upon which it stood in 1792. He thought nothing had taken place to make it necessary to extend the establishment beyond that time; the possession of new posts, and our Treaty with Spain, having also given us security with

respect to the Creeks. As to the protection of the frontiers, no person desired more than him, to afford them protection, but he had no idea that they should spend for that purpose whatever they were called upon for.

The frontiers of the United States, he said, had always been exposed to depredations from the Indians; but he considered those depredations as arising from the peculiar situation of the frontier inhabitants, and it was only when there was danger of an open war, that it was necessary for Government to interfere; till then, the exertions of the inhabitants themselves were sufficient. If they recurred to the year 1792, it would be found that the protection of the frontiers cost ninety-four thousand dollars; in 1791, fifty-two thousand dollars, when the danger was the greatest. He, therefore, thought there was nothing more necessary than the will of the United States to reduce the present establishment; but if the Legislature did not make the proper reductions, by agreeing to the present report, the expense would be incurred. He hoped the report would be agreed to, and that they should go still further in lowering the establishment.

Mr. S. SMITH said, the select committee were directed to report what alterations were necessary in the act; not to inquire with respect to regulations in the Military Department; not to report what was cheapest. From the report this conclusion would be drawn, that no cavalry was necessary, as that part of the act was recommended to be repealed. He imagined the gentleman from New Jersey would have drawn that conclusion, and spared his censure of the committee.

The question was put and carried—there being 64 in favor of it.

Mr. WILLIAMS said, we were either in a state of peace or of war; if we were in a state of peace, he did not see any reason why the establishment should be larger than in 1792. He therefore moved to add, after the word "repealed": "and that the four regiments of infantry be reduced to two." If at any time we should be disturbed on our frontiers, he considered that there was virtue enough in the yeomanry of the country to take care of the frontiers. Where our troops were, he said, he could not tell. It was supposed we had three thousand men, but they had no return to know what number they had. To keep up four regiments, when only two were necessary, was an expense thrown away. He should have wished to have seen an estimate; but, as none had been made, he wished the four regiments to be reduced to two.

Mr. S. SMITH hoped the motion would not prevail. He had not before him the number of troops or a calculation of what were necessary, but it appeared to him that the number of troops was not greater than would be necessary for the different posts. It would be recollected that there was a considerable scope of country from Tennessee to the Mississippi, not before in the possession of the United States. At this moment, he believed, it would be unsafe to lessen the number of troops. Indeed, he was surprised to hear the motion, as

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it was the first time he had heard such a thing intimated as a reduction of the infantry, and he was unprepared to meet the attack.

Mr. WILLIAMS said, if the gentleman was not prepared, he would move that the Committee rise. If there was occasion, he said, he should always be willing to keep up a sufficient number of troops; but if the present number was unnecessary, he wished to reduce them, as he was unwilling to do anything which would lead one part of society to live upon the industry of another.

Mr. MURRAY said he was but little acquainted with military affairs, but it appeared to him natural and proper that a communication should have been had from the proper department, before a motion like the present had been made. It was true, they had the power of raising armies; but the PRESIDENT OF THE UNITED STATES had the direction of them when raised; and he thought it was very natural for them to have some reference to the Executive or War Department, and to have received such an official statement from thence as would have saved much inquiry and loose information.

There was another point of view in which the gentleman from New York [Mr. WILLIAMS] had placed the subject. He had said, we were either in a state of war or of peace. In making this assertion, the gentleman seemed to have an eye to European countries. There the language might be properly used; but, said he, we live in a country in which we cannot say it is either war or peace. There was a sort of intermediate state; and until that unhappy race of men who live in an uncivilized state, in our country, be extinguished, that will always be the case: a state which requires vigilance, even an armed vigilance, to guard against depredations. The frontiers, he said, must have stations adapted to their situations. He regretted, therefore, that the two troops of horse were ordered to be struck out. It was strange, he said, that at a moment that our number of forts was increased, our Military Establishment should be reduced.

If the motives of gentlemen were to be judged of, those who came from parts of the Union where there was no danger from Indians, were opposing measures intended to secure their fellow-citizens who were exposed to danger. In the Atlantic States, he said, we had no cause for alarm; but it was from the principle of wishing to defend every part of the Union that he should rather vote for an increase than a decrease of the Military Establishment.

He hoped gentlemen would turn their attention to that state which was neither a state of peace nor of war; for such must be the situation of frontier inhabitants, since the Indian tribes are not capable of preserving a lasting peace. He hoped the gentleman would retract his motion.

Mr. WILLIAMS said, if the gentlemen last up had known from whence he came, and was at all acquainted with the geography of the country, he must have known that he lived in the very neighborhood of the Indians. The State of New York

concluded a peace with those Indians only last Fall which had cost them a great deal of money. His house, he said, was within thirty miles of the place where the Treaty with the Indians was made, and no post was kept up between them, so that they were always open to incursions from them; but they trusted in the virtue of their militia, the bulwark of the nation. It was necessary to keep the posts occupied with military, but, in time of peace, there was no necessity for anything further.

With respect to any calculation of the Executive, or the Secretary of War, however highly he thought of them, he should wish to depend on his own opinion. The safety of the nation, he said, was committed to him in part, as well as to them; and he was accountable to his constituents for every farthing of public money which he consented should be spent.

The gentleman's observation, that we were neither in a state of peace nor war, was true, but it was also true that whenever any nation was disposed to break peace with us, we are ready to meet them with the yeomanry of the nation. It was our duty, he said, in time of peace, to retrench our expenses as much as possible, so that we may be the better prepared if an emergency should at any time arise.

The Chairman informed the House that the question was for the Committee to rise.

Mr. S. SMITH asked for what purpose the Committee should rise? No more information could be got than they had at present. He was inclined to hope, that when the gentleman from New York considered the subject, he would vote against his own motion. This, he said, was not unfrequently the case. Long speeches were often made in favor of a measure by a member, who afterwards voted against the doctrine which he advocated. The gentleman talked of the yeomanry of the country, but he believed the troops would be wanted for the posts, which were to be taken possession of, and they must take possession of them for the security of the country; and would the gentleman's two regiments, the nominal number of which was one thousand men, but which was seldom more than eight hundred and fifty, be sufficient for all the posts? He believed not. Let us, said he, proceed with the business; let us determine what the Military Establishment shall be, and not postpone the business from day to day.

Mr. HARTLEY wished the gentleman from Massachusetts, [Mr. DEARBORN,] who was possessed of information on the subject, would state it to the Committee. Upon the best information he could get, he was certain the present establishment would not be too large. How the gentleman from New York came to make the present motion, without further information, he was at a loss to know. They had heretofore charged another House with sacrificing the interests of the country, but he thought they should not fail to do so, if they did not vote a sufficient number of troops to occupy the posts we had lately got possession of. Instead of four regiments being too much, the select committee had recommended

eight men to be added to each company. He hoped the motion would therefore be disagreed to.

Mr. VARNUM did not think it necessary for the Committee to rise, but it appeared necessary that they should be in possession of the calculations of the select committee, of the number of garrisons and of the men necessary for each. Except they had some information of this kind, they could not form a just opinion on the subject. It must be the desire, he said, of every gentleman, that the Military Establishment should be reduced as low as possible; but without the information he had mentioned, it would not be possible to have a correct idea on the subject.

Mr. READ observed, that gentlemen said we were at peace with the Indian tribes. Be it so, said he, and let the most effectual measures be taken to preserve the peace. The Indians, he said, had a very favorable opinion of Continental troops; they considered them as their safeguard. Perhaps they were a little jealous of the militia. It was a measure of policy to keep up the Continental troops. They might prevent the Indians from injuring the frontier inhabitants, or they them. He did not think it would be prudent to reduce the Military Establishment.

Mr. GALLATIN said, he saw by the report of the committee, that they proposed to add eight men to a company; the motion of the gentleman from New York brought the discussion fairly before them, and they could determine whether eight men should be added to each company, or whether the four regiments should be reduced to two.

The select committee, he said, had brought forward no estimates. The chairman of that committee [Mr. S. SMITH] had said, that it was not possible to obtain information of the number of men to pay, or where they were at this time; but, if this information could not be obtained, he was sure that it was possible that the number of posts might be told, and the number of troops required for each. When they had such information before them, they would be able, he said, to determine whether the Military Establishment ought to be reduced or increased.

In order to obtain this information, he wished the Committee to rise; but if the select committee thought none could be obtained—that the Secretary of War cannot, or will not, for some reason not to be communicated, give any particulars on the subject, if he had no further information, he should vote for the motion of the gentleman from New York. And if the gentlemen of the committee have no more, and can get no more information, it would be best to go on to a conclusion of the business.

The motion for the Committee to rise was put and negatived—55 to 29.

Mr. DEARBORN said, it was not in the power, he believed, of the Secretary of War, to give just information as to the number of posts to be garrisoned, or the number of men to be placed in each. It appeared that a very general discretion had been given to the Commander-in-Chief. He had made such arrangements as he thought proper; but having died on his way, there had not

been the information transmitted to the War Office which otherwise would have been there.

The select committee, for their own satisfaction, with such assistance as they could get, had made a calculation of the number of posts, and the men which would be requisite for each. The posts in their contemplation were Oswego, Niagara, Presqu' Isle, Detroit, Miami, Michilimackinac, a post near Lake Erie, a post not far from the mouth of the Illinois, at the Natchez, a post a little below the river Ohio, frontier of Tennessee, frontier of Georgia; Fort Washington, on the river Ohio; a small post near Fort Pitt, at Pittsburgh; and the fortifications and harbors of the seacoast.

The estimate of the garrisons necessary for these posts was mere matter of opinion, and every gentleman could form his own. It was his opinion that the number requisite for all these places would be about the number of the present establishment, the cavalry excepted. At the Natchez he believed there would be occasion for a very considerable garrison, as there were a number of citizens there, lately subjects of Spain, who could, at a short notice, raise a militia of eight hundred men.

Mr. D. said, although he had been in favor of a small number of men and for a small number of garrisons, yet he was inclined to believe that the number of troops remaining, after the cavalry was deducted, would not be greater than our present circumstances required. He was of opinion, however, that if the established corps be kept full and the posts established, and more opportunity was had of knowing what was necessary, perhaps there might be a possibility of reducing the number with propriety; but he could not say at present there would be too great a number, and should, therefore, be against reducing them.

It would be important for gentlemen to agree what number of men was necessary for each garrison, and consequently what number for the Military Establishment at large. He supposed, from the calculation of last year, the present number was considerably under three thousand. On the 1st of July last there were a few over three thousand; but, after the terms of men whose terms expired a few months afterwards, and from desertions and other circumstances, they did not, he supposed, exceed two thousand. But since the new organization took place a number of men and officers had not joined their corps, and until that took place no accurate accounts could be had. The saving of the expense of two regiments he acknowledged would be a considerable object, if it could be done with propriety; but he did not think it would be proper at this time to reduce them.

Mr. GALLATIN said, from what had fallen from the gentleman from Massachusetts, there could be no doubt but the present number of troops would be useful, and that it would be inconvenient to reduce them; but, upon the same ground, the number of troops might even be increased beyond the present establishment, when it was considered the number of posts which had come into our

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hands, and consequently the number of men required for them. Nor would he wish to reduce the Military Establishment, but for other reasons. He did not think, in the present situation of our foreign affairs, it would be at all prudent to reduce the artillery.

There was another consideration, however, that would induce him to vote for the present motion, or something like it: it was the reluctance which was shown in that House to raise the necessary revenue for the expenses of Government. Notwithstanding our situation had been fully stated, it was with immense difficulty any measure could be got through the House which was intended to raise revenue; they had even a right to conclude that the measure which was lately carried through the House for direct taxes, would not be agreed to when the detail of the bill should be brought in. He thought, therefore, they should confine themselves, not to what was useful, but to what was absolutely necessary.

No resolution had hitherto been brought forward to diminish the expense of any department. He would ask, in what department the expense could be diminished? The public engagements must be kept. The Civil List might, perhaps, give a saving of \$20,000. They were called upon to increase instead of diminishing the expenses. There were other demands this year. There were only two objects, he believed, in which retrenchments could be made, which were the Military and Naval Establishments.

Mr. G. said, he had no doubt two thousand men would garrison our posts, &c., better than one thousand, but he thought one thousand might serve in our present circumstances. Amongst others, he did not think it necessary to have a post at Illinois or Michilimackinac, or to have a large one at the Natchez. As to the number of men necessary at the different posts, it was, as it had been stated, mere matter of opinion. They knew of no force required against the Indians, and a small body was, therefore, only necessary to be kept in garrison. With respect to other nations, he did not believe the British had any force on the frontiers. He, therefore, thought there was no occasion for a greater number than in 1792, which was 2,250 men; the number now was 3,160, which made a difference of 910, the number now moved to be struck out. However, he did believe that if they were to make the reduction it would be best done by degrees; and perhaps the best way would be not to make further enlistments when the time of men expired. But, if there was any doubt on the propriety of reducing the number of men, there could be no impolicy in striking out a number of officers.

From these considerations he believed it would be most prudent to make the proposed reduction, though, had it not been for the depressed state of our revenues, he should rather have been for increasing than for diminishing the present establishment.

Mr. DAYTON was much surprised that the gentleman from Pennsylvania, after acknowledging that it would be useful to keep up the present es-

tablishment, and after admitting that a reduction of two regiments would be inconvenient to the service, should avow his support of the motion. That astonishment was not lessened upon hearing the reason that had been assigned for it, viz: a manifest reluctance on the part of the House to increase the revenues. If that member had represented accurately the disposition of the House as to revenue, he would have said, not that there was a reluctance to increase it, but more truly that there was a reluctance to increase it in the mode proposed and advocated by that gentleman, a tax on lands. Mr. D. said, that he himself, for one, had admitted the necessity of a further augmentation, but in common with many other members, he had expressed his unwillingness to resort to direct taxation, until the less exceptionable means of raising money by indirect taxes had been tried and exhausted. As to the motion which went to reduce the infantry from 2,000 to 1,000 men, he could not believe there was any probability of its succeeding, as both the public service and the general economy forbade it. The member from Massachusetts had enumerated many posts, and some very considerable, where it would be requisite to support garrisons, and others might be added to the list. The frontier of Georgia, Oswego, Fort Schuyler, West Point, the fortifications along the seacoast, and the different arsenals and magazines of arms, ammunition, &c., would equally require garrisons of soldiers.

Their present number of two thousand infantry and nine hundred artillerymen and engineers, would not be found more than sufficient for the service, especially when it was considered that the casualties of desertion and sickness which prevailed to a certain extent in every army, must also be guarded against, by increasing the establishment beyond the numbers which upon strict calculation might be adjudged to be necessary. Escorts also were indispensable in all cases of transportation from one part of their wilderness to another, and more especially when owing to want of water-communication, or an unexpected lowness of the streams, or to the obstructions from ice, they were compelled to transport their supplies by land. The reasoning which he adduced when the reduction of the cavalry was in question, would here apply with greater strength, because the necessity of keeping up some regiments of infantry was admitted by all. To discharge the regular troops, and to be obliged, as heretofore, to supply their place with militia, would be found to be profusion rather than economy.

Mr. S. SMITH said, the gentleman from Pennsylvania [Mr. GALLATIN] had used the only solid argument for reducing the Military Establishment, viz: the unwillingness of the House to provide revenue. It was a solid argument. But, he said, it was necessary for them to provide for all the wants of the country; it was necessary to afford protection to our frontier, and, after they had provided that protection, he trusted that House would not be so lost to its duty as to fail in providing revenue.

From the Civil List, the gentleman from Pennsylv-

vania had observed there could be little reduction; no saving but from the Military Establishment; but this might be made without any reduction. The Major and his Staff, which were proposed to be struck out, would be a saving of upwards of \$11,600; the light dragoons were \$51,000 or \$52,000; the rations, calculated at 20 cents, might now be obtained at 17 cents, which would lessen the charge \$42,000; the Quartermaster's department was now \$250,000, but now it might be reduced to \$100,000; but, if estimated at \$150,000, there would be a saving of \$100,000; the carting, at \$50,000, would not now be one-half. The Naval Department for the present year was calculated upon twelve months, when it was scarcely possible, from the state of the frigates, that they would be fit for more than four months' service.

The whole of these items made a sum of \$403,000; to which he believed might be added a saving in the Civil List of \$62,000. The Mint Establishment he did not think necessary, though it might flatter our vanity, and \$25,000 might be saved from that source. The savings he had mentioned in the Military Establishment might be much more, because any loss on account of the contract would fall upon the contractors and not upon Government. But he trusted they should not make deductions in the establishment which might put the Government itself into jeopardy. With respect to the suggestion of striking out officers, he would rather have skeletons of regiments, which might be at any time filled up; for he believed more men were lost for want of proper officers than by the sword.

Mr. NICHOLAS said, that the opinion of the gentleman from Pennsylvania [Mr. GALLATIN] that though a greater number of men might be necessary, yet it was necessary they should be lessened on account of the unwillingness of that House to provide revenue, had not been invalidated by what had fallen from the gentleman from New Jersey, [Mr. DAYTON]; for, though that gentleman had strongly opposed direct taxes, he had offered no substitute for them. Indeed, none had been offered except that proposed by the gentleman from South Carolina [Mr. HARPER] and he seemed to have grown lukewarm in its support. And was it to be expected, he said, that when permission to bring in a bill on the subject had only been obtained by a majority of ten votes, when the passage of the plan for a direct tax had been so difficult in that stage of it, was it not to be supposed that there was great hazard of its passing? And, if so, was it not incumbent upon the House, lest additional revenue should not be provided, to make every saving in their power? He believed it was. He did not wish to put Government in jeopardy, but he thought they were called upon to save every shilling in their power. He hoped they should go further with respect to the Navy, than had been proposed by the gentleman from Maryland. He had contemplated four months' service of the frigates; but he hoped they should have none at all, since it would be found that more money was now wanted to com-

plete the frigates than was proposed at first, as necessary for the building of them. He hoped, therefore, they would not at present be proceeded with.

Mr. CRAIK said, he had not intended to have spoken on the present occasion; but when he heard arguments against fixing a Military Establishment necessary for our security, founded on a supposed unwillingness in the House to grant revenue, he could not be silent. He believed the opinion entertained of it at House with respect to revenue could not be extended to the people. He was confident they were willing to afford a sufficient revenue for every necessary purpose of Government, and he trusted that House would also be found to be so too. Indeed, he did not think there was ground for the disgraceful opinion which the gentleman from Pennsylvania [Mr. GALLATIN] had formed with respect to the reluctance of the House to grant revenue.

They had discussed the means of raising revenue, and seemed only to differ in opinion about the mode of doing it. The people who sent them there were able and willing to pay whatever should be found to be necessary, and he hoped the want of revenue would not be urged as a reason for not doing what they were convinced it was necessary to do.

If this principle was adopted, he said, it might be extended to every measure brought forward this session. He hoped, therefore, it would not be countenanced. If the Military Establishment was necessary our interest required it should be made sufficient, and it would be an injury to the Union not to make it so. He trusted they should do it, and he was not afraid that the money would not be found. He did not believe this country to be in a state of bankruptcy, but that it was equal and willing to pay every necessary expense of its Government.

Mr. DAYTON said, that if there was a single trait of candor in the remarks made by the gentleman from Virginia and applied to him, then he was ignorant of the real meaning of the word, and he knew not what language and what conduct merited a different appellation. It was more than uncandid, it was cruel to upbraid him with not having done what he had no opportunity, consistently with the rules of the House, to have done. Every member, Mr. D. said, who had held a seat there only for a few hours, must know that being in the chair he had it not in his power to offer any propositions to the House to be referred to the Committee of the Whole on the subject of further revenues, as had been their regular course of proceeding. In Committee of the Whole, where alone he could make any motion, it would be recollected that no opening had been afforded him; for the first resolution reported by the Committee of Ways and Means in favor of a land tax was under discussion, and it would have been a violation of their rules of order to have offered any other as a substitute. It would be remembered, also, that the moment that proposition was decided, the Committee of the Whole rose and reported, thus postponing to a future day the consideration

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of any other resources. It was also possible, Mr. D. said, that if there had been an opportunity to present any system of his own, it might have been useless and unnecessary until that offered by the gentleman from South Carolina had been discussed and decided. Why, he asked, should he be charged with silence or forbearance in such pointed terms by the gentleman from Virginia, when it was well known to every member, that they were enjoined upon him by the duties of his station, and the rules of decorum?

Mr. RUTHERFORD said, he paid great respect to the opinions of every gentleman in that House; but he must think for himself on the present occasion. Was this people, he asked, to be supported by a few regular troops? No: whilst the yeomanry, and the people in general, delighted in the Government, they would always be ready to rise as one man in support of it. Let the people have peace, and acquire property, said he, and they will defend themselves. The late insurrection, beyond the mountains, had proved this; and this would continue to be the case whilst they were well governed. What need was there then to rely upon regular troops?

At a time when they were about to tax the people, it was necessary to reduce this article of expense.

Mr. NICHOLAS said, if he had been convinced the gentleman from New Jersey [Mr. DAYTON] had not had an opportunity of bringing forward any proposition as a substitute for the direct tax, which he had opposed, he certainly should not have charged him with having failed to do it. But he thought it was possible for him to have done it; if he was mistaken in point of form, he must stand corrected. He did not mean any thing uncandid with respect to that gentleman.

Mr. SWANWICK did not conceive that the question of revenue had any thing to do in the present business. The question was, whether they should have four or two regiments of infantry? Not being a military man, he did not feel himself very competent to decide on the present question. Whatever disposition, however, might have been shown on a former occasion, of an unwillingness to raise revenue, he trusted they should grant liberally and cheerfully what was necessary for the defence of our frontiers; and when they came to be upon the subject of raising revenue, he trusted they should be impelled by the same necessity—the necessity of doing what they were convinced was right—to grant what appeared to be necessary. He thought there was no way of raising this revenue but by direct taxes; other gentlemen thought differently; but raised, additional revenue must be; for, if they made these grants, and there was not money in the Treasury to pay the expense, they could only be carried into effect so far as the funds would go; and gentlemen would therefore take this consequence upon themselves when revenue came under consideration. The question now was, whether they should have four regiments or two? He thought the latter number was too small. He had heard of the power of the militia; but he did not know whether it was

prudent to make frequent calls upon the militia, and by that means put the country to unnecessary expense. If it were not, it was proper there should be a permanent force to prevent the necessity of such calls.

Whenever the subject of taxation came up, Mr. S. said, he trusted they should determine upon some permanent source of revenue; for if gentlemen adopted such as were not so, they would have to be responsible for the consequences.

Mr. GALLATIN said, his colleague [Mr. SWANWICK] had, in one respect, put the question on its true ground, though in another point he was mistaken, viz: where he said, that if the House voted for a certain number of men, and their funds should fall short, the money could be applied no further than it would go, and their object would be defeated. On the contrary, Mr. G. said, if they voted a greater number of men than the revenue was found equal to pay, the same thing would be done which had been done heretofore—anticipations would be obtained. But the question was upon its true ground when he said, that if they voted a number of men, they stood pledged to increase the revenue in order to meet the expense. He did not think the gentleman from New Jersey was correct in his remarks upon what he had said.

Mr. G. said, when he was up before he had observed, that there was a reluctance to raise additional revenue, there having been a bare majority in favor of direct taxes, and he believed there was as great a reluctance with respect to indirect taxes. They differed so much about the mode of raising revenue, that it would be difficult to raise revenue at all. The plan which that gentleman chose to call his plan, was founded upon a report of the Secretary of the Treasury, which had been made in pursuance of an order of that House, on the subject of direct taxation. It was true he was in favor of the plan, but it was not his.

Finally, if they voted for continuing the present military force, they pledge themselves to furnish additional revenue, and except they agree to assist them in carrying into effect the plan which had been adopted, he believed no other would prove effectual.

Mr. WILLIAMS said, when he made the present motion, there was no information before the House. He wished, therefore, to have reduced the establishment to what it was in the year 1792, except he could hear some reason for making it greater. Previous to his motion, the gentleman from Massachusetts had not informed them what posts the committee had in contemplation to garrison. He confessed, the account he had since given seemed to show that more than one regiment was necessary; but, notwithstanding the observations of that gentleman, he was of opinion that the four regiments might be reduced to two, and the same number of men now employed might be put into those regiments, by which means all the force would be retained, and the expense lessened. He asked, if the posts to be kept up required all the officers in the present establishment, and whether 2,500 men required so many officers to command them? He believed not; and that a considerable

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saving would be made by putting all the men into two regiments.

When he made the motion, he said, it was principally with a view of getting information what number of troops was necessary, and where they were to be stationed. If, he said, there was supposed to be danger from our situation with respect to Europe, it was not necessary to increase troops which were intended to be employed only on the frontier. Surely not. If danger was apprehended from that quarter, they ought to turn their eyes to the sea-coast, and increase our artillery and engineers. Those gentlemen who thought a Navy necessary, might put to that object what was saved in the present. This, he said, would be much more prudent; since, standing on our own ground, we could defend ourselves against the whole world.

The question for reducing the four regiments of infantry to two was put and negatived, there being only 25 in favor of it.

The Committee then rose, and had leave to sit again.

ADDITIONAL DUTIES.

Mr. W. SMITH, Chairman of the Committee of Ways and Means, to whom was referred a resolution of the 10th instant on dutiable articles imported, made the following report:

"The Committee of Ways and Means having taken into consideration the resolution of the House of the tenth instant, and a Letter of the Secretary of the Treasury on the subject therein contained, are of opinion:

"That the only articles, on which it will be expedient to impose an additional impost duty, are the following, viz: brown sugar, bohea tea, and cotton goods, not printed, stained, or colored: They accordingly submit the following resolutions:

"Resolved, That there be paid an additional duty of one half cent per pound on brown sugar, imported into the United States.

"Resolved, That there be laid an additional duty of two cents per pound on all bohea teas imported into the United States.

"Resolved, That there be laid an additional duty of two and a half per cent, ad valorem, on all cotton goods not printed, stained, or colored, imported into the United States."

TREASURY DEPARTMENT, Jan. 19, 1797.

SIR: I have now the honor to communicate my opinion on the subject referred to the Committee of Ways and Means by the resolution of the House of Representatives of the 10th of January, 1797.

If it shall be determined to increase the duties on importations, the following appear to be most safe and productive objects of revenue:

1st. SALT.—The existing duty is twelve cents upon each bushel of fifty-six pounds, and is much lower than what is imposed in many countries. There is no article of which the consumption is more uniform, nor of which an evasion of the duties would be more difficult: the natural value being inconsiderable, the importation requires and employs but little capital. Owing to the bulky nature of most of our articles of export, compared with those imported, and to the use of salt in lieu of ballast, it is introduced with a moderate charge for freight. All these circumstances render salt a fit ob-

ject of revenue—as illicit importations are not to be apprehended—the extent to which the duty is to be carried, can be best determined by the committee. One cent on each fifty-six pounds of salt, will produce nearly thirty thousand dollars.

It will, however, be proper to readjust the bounties on the exportation of salted fish and provisions, and the allowances to vessels employed in the cod fisheries, to any augmentation of the duties on this article.

2d. BROWN SUGAR.—The duties on sugars will hereafter require revision; the rates, now imposed, are as follow: on brown sugar one and one half cent per pound; clayed sugar, three and one-half cents; lump sugar and refined, other than loaf sugar, six and one half cents; loaf refined sugar, nine cents. The duties are already so high, that most of the sugars, other than brown, which are imported, are also exported; the revenue is not therefore benefited by the importations. On the contrary, the public are exposed to the risk of collection, and responsible for the drawback. Illicit importations cannot be easily practised in respect to so bulky an article as sugar, and it is not likely that they have been practised, except in a small degree with respect to loaf refined sugar, the duty on which appears to be more than necessary to protect the business of domestic refiners.

To induce the consumption of any considerable quantities of clayed sugars, a reduction of the duty is necessary: and it is probable that some reduction would be favorable to the interest of the refiners; on this point, my information is however too imperfect to justify a positive opinion.

The present duty on brown sugar is less in proportion to the value of the article than that on most other West India productions. The average importations of brown sugar into the United States, during the years 1790, 1791, and 1792, were about twenty-two millions of pounds weight, which, therefore, may be considered as the quantity usually consumed in this country in each year. Since 1792, the quantities imported have been increasing. In the term of a year, prior to October 1st, 1795, the quantity imported exceeded sixty millions of pounds weight. During the greater part of the year 1796, sugar and coffee were the most beneficial, and in point of value, equal to any articles exported from the United States; considering the great quantities of these articles which have been imported, exceeding what were required for domestic consumption, their prices must have been determined by the state of foreign demand. These prices cannot therefore be stationary, and their vibrations have a tendency to embarrass commerce. These circumstances, and the risk to which the revenue is exposed on the importation, and also on the exportation of these articles, strongly admonish against excessive duties, and even dissuade from the imposition of such a duty, as under other circumstances might be safe and proper; nevertheless, an additional duty of one half cent per pound, on brown sugar, appears to be as eligible as any which can be suggested.

3d. TEAS.—The duties are at present as follow: on bohea tea, ten cents per pound; on souchong and other black teas, eighteen cents; on hyson, imperial, gunpowder, or Gomee tea, forty cents; and on other green teas, twenty-four cents. It has been stated, as the opinion of the Treasury, that the revenue would be probably benefited by a reduction of the higher and an increase of the lower rates of duty. An addition of two cents per pound to the duty on bohea tea, may be

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expected to produce twenty-five, or thirty thousand dollars.

4th. COTTON MANUFACTURES NOT PRINTED, STAINED OR COLORED.—These are in very general use, and are commonly imported in valuable vessels, and by established merchants; they are for the most part bulky in proportion to their value, and with velvets and velvet-sets, are subject only to the duty of ten per centum ad valorem. It may possibly be safe to place these articles in the class of merchandise, subject to the duty of twelve and a-half per centum ad valorem; but in this case, it is conceived, that adequate provision ought to be made for the protection of the business of printing cotton goods, which has been commenced in this country.

A variety of modifications of the existing duties might be proposed, but as their principal object would be the improvement of the system of collection, by means of a new classification of the articles, without intending thereby to produce any considerable augmentation of the revenue, they are at this time omitted. Materials for a report on this subject are preparing, but it cannot be completed during the present session.

With respect to a general augmentation of the duties on imports, I conceive it to be my duty to observe, that the average rate already imposed, exceeds sixteen per centum ad valorem; that the last advance of the duties was made at a time when the commerce of the United States was far from being in a natural state; that the temptations to illicit trade will increase in proportion to any reduction of the general rate of mercantile profit; and that a considerable reduction of this general rate, is to be expected whenever the present war in Europe shall terminate. On these grounds, I conclude, that present experience affords no certain data for an opinion respecting the permanent operation of the existing duties.

The domestic manufactures best established, are those of leather, iron, flax, potters' wares, including bricks, ardent spirits, malt liquors, cider, paper of all kinds, hats, stuff and silk shoes, refined sugars, spermaceti and tallow candles, copper, brass, and tin wares, carriages, cabinet wares, snuff, gunpowder, and salt.

I have the honor to be, with perfect respect, sir, your most obedient servant,

OLIVER WOLCOTT, JUN.,
Secretary of the Treasury.

HON. WILLIAM SMITH,

Chairman of the Committee of Ways and Means.

The report was ordered to be committed to a Committee of the Whole House on Monday next.

TUESDAY, January 24.

The bill for enforcing the laws of the United States in the State of Tennessee, was read the third time and passed.

Mr. R. SPRIGG, jun., moved that the resolution which he laid on the table some days ago, relative to the act for regulating grants of lands for military services, &c., be referred to the committee to whom was referred a former resolution relative to the sale of lands Northwest of the river Ohio. It was so referred.

SALARIES OF LOAN OFFICERS.

Mr. HENDERSON offered a resolution to the following purpose, viz:

"That the Secretary of the Treasury be directed to
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lay before the House, a list of the number of subscribing creditors to the United States, upon the books of the Loan officers, in each respective State in the Union where Loan offices have been established."

Mr. H. observed, that the reasons why he offered this resolution, were, that applications had of late been made, by several of the Commissioners of Loans of the United States, for an increase of salary, and he thought it was proper before a decision took place upon those applications, that the House should be possessed of the best information relative to the duties of the officers that could be obtained. He was of opinion, that when the salaries of the Commissioners of Loans were first established, Congress could have had no other rule by which to apportion them than the size and population of the States, or the sums expected to be loaned therein. He thought it could easily be made appear, that neither of these principles would produce an equitable apportionment of the salaries; the Commissioners in the larger States would have much the highest salaries, when, it is very probable, they might have the least share of business to transact, and on the other hand, the Commissioners of the smaller States would have the least salary, with perhaps the greatest proportion of duty. The resolution was ordered to lie on the table.

MILITARY ESTABLISHMENT.

The House again resolved itself into a Committee of the Whole on the report of the committee appointed to inquire whether any and what amendments may be necessary to the act to ascertain and fix the Military Establishment of the United States.

Mr. S. SMITH proposed an alteration in the introduction of the report, merely as to form, so as to make it have the proper phraseology of a resolution; which was agreed to. And being read—

Mr. CORT said, he rose only for the purpose of inquiry. He was satisfied there was no occasion for a Major General; nor did he know that there was any necessity for a Brigadier General. He wished to be informed on that subject.

Mr. VARNUM did not see the necessity of a Brigadier General. As the Army would be dispersed along the frontier in small detachments, he did not see the use of an officer of that grade.

Mr. DEARBORN said, this subject had undergone discussion last Winter. It was then urged, not only that a Brigadier General was necessary, but also a Major General, and was ultimately so carried. It appeared to him, indeed, that at least one general officer was necessary; and he should suppose, for the same reason which his colleague had urged against the measure, viz: the dispersedness of the situation of the troops; for, when their divided situation was considered, and that, in time of peace, there was less reason to expect a strict attention to discipline and economy, there would scarcely be a possibility of keeping them in order, without an officer of respectable rank, who would have it in his power to overlook the whole, to know the state of each garrison, and to make strict returns with respect to military regulations;

and, without such a provision, everything relative to the Army would get into disorder. Instead of this officer being an expense to the United States, he believed he would, in the end, prove a great saving to them by taking care that no abuses existed in the service. It was said that the Majors could do the duty as well as a general officer; but was it not reasonable and natural to expect bickerings amongst officers of the same grade; and that there would not be the same promptness in obeying the orders of one of this rank, as there would be in obeying the commands of a superior officer? Persons acquainted with military affairs knew the necessity there was for subordination in an army. He thought it not necessary to say much on the subject; but he thought the well-being of the troops required that a Brigadier General should be retained in the service.

Mr. HARTLEY said, he was one of those who were in favor of retaining the Major General last session; but, from a principle of economy, the select committee had recommended a repeal of that part of the act which related to the Major General and his staff, by which means several thousand dollars would be saved; but, after they had dismissed the Major General, he was surprised to hear it proposed that the Brigadier should be struck out also. He had wished the Major General to have been retained; since, if there should be occasion to call out the Militia at any time, a Major General of Militia would not be subject to the command of a Brigadier General of the Army; and except some provision was made in the Militia bill, this circumstance would occasion disorder, if ever such a situation should happen. He hoped, therefore, for the reasons given by the gentleman from Massachusetts, [Mr. DEARBORN,] a Brigadier's staff would be retained.

Mr. DAYTON.—That as they had dispensed with the office of a Major General, as no longer necessary, it appeared to him advisable to agree to this part of the report of the committee which recommended the retaining of a Brigadier General in service. In addition to the reasons which had been urged by the members of that committee, and by other gentlemen who had preceded him, there were two which had not, he believed, been mentioned, and which might be thought to deserve consideration. If a Brigadier General should not be provided for, the command of the Army would of course devolve upon one of the Lieutenant Colonels commanding regiments. Such an event would rather tend to excite jealousy than to promote harmony throughout the different corps. The attachment of an officer for his own regiment was natural, and could not be suppressed or concealed, even when his seniority of rank entitled him to exercise a more enlarged command. If in such a situation he should be more prudent and cautious than men so circumstanced usually are, he could not, however, escape the suspicion and charge of his favoring his own to the disadvantage and injury of the other regiments. Those who might think themselves thus aggrieved, would make a common cause of their complaints against their temporary com-

mander, and thus the Army would be embroiled. A commander, it was known, must necessarily have considerable latitude of discretion allowed to him, and no little share of patronage. He would generally direct what officers should be stationed at particular posts in higher or inferior commands. He could give preference to one corps over another, by ordering the distribution of clothing or pay, especially where a difference in quality or deficiency in quantity and sum, made it impossible for all to be equally served. In an officer attached to no corps exclusively, such things could be seen, and borne, with much less dissatisfaction and murmuring than in one who had a more intimate connexion and interest with a particular part. But that was not all; for, in the paying of the Army, the agency of a Brigadier General attached to no corps was essentially necessary. The regimental pay-abstracts were founded upon the company pay-rolls, and were required to be signed by the commanding officers of the regiments. The Commander-in-Chief, after having compared and checked those abstracts with the muster-rolls and official returns, was to issue an order for the payment of the money.

It would be truly absurd to have the same officer, in quality of Commander-in-Chief, checking and passing upon his own returns for pay as Colonel of a regiment. There would neither be economy nor security in the expenditures of public moneys under such arrangements.

Mr. BALDWIN said, he recollected when this subject was under consideration, some member said it was indisputably necessary that the Army should have a Brigadier General; it did not then appear so to him. Since the war was over, and even suppose it continued, he thought it being entirely an interior one, they might do away the form which had been of regiments, and convert the whole force into a legionary form, and by degrees an army form also; and let the form be a detachment of companies strung along the frontier. He thought there could be no advantage by even an army form; for the vast extent of two thousand miles frontier to guard with few men as possible, would render this distribution necessary. The force, he said, was twenty-six companies, and he supposed there were no more than twenty-six posts to occupy them; these would be distributed from the Southern frontier to the lakes, and some on the sea-coasts; then, while they remained so extensive, what use could there be of a Brigadier General? Where could he so well correspond from, and conduct affairs, as the Seat of Government? And here Mr. B. thought he would be almost useless. Here we have the War Department, the Commissary of Stores, and the Accountant General, each of which, if clothed with military commissions, could effect any business that officer would have to do, and he did not see the necessity of a Brigadier General having the settlement of the business mentioned by the gentleman from Massachusetts [Mr. DEARBORN] as his being clothed with a military commission would not make him more fit to take cognizance

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of what related to the troops, than the above stationed officers; nor did he see how he could visit the different posts in the manner proposed by that gentleman. If a part of these troops were distributed on the lakes, and another part on the Southern frontier, he could not tell where the Brigadier General could have his office. It could not be at any of the posts, and therefore he supposed it must be at the Seat of Government.

Mr. S. SMITH said, he was on the committee of conference last session with the Senate, on the subject of the Major General. It was the opinion of the House of Representatives, that there should be a Brigadier only, because the number of troops, being four regiments of infantry, was a Brigadier's command. It was urged, on the part of the Senate, that the Major General was necessary for the purpose of taking possession of the posts, and it was therefore finally agreed that he should be retained until March next. At that time it was undetermined whether the Brigadier or Major General should go out of the service at that time. The gentleman from Pennsylvania [Mr. HARTLEY] thought it necessary to keep up the Major General, because, if called out with the Militia, he would have the superior command of a Major General of Militia; but to strike out both the Major General and Brigadier General, would be to leave the Army without a head; and so far from such a measure being a measure of economy, it would prove destructive of economy. There was a great saving, Mr. S. said, by an officer commanding the whole; if it were otherwise, the Army would be disjointed.

If the gentleman from Connecticut, who made the motion, had been a military man, this motion, he thought, would not have been made; as a military man, Mr. S. declared, that such a measure would be attended with the most ruinous consequences.

Mr. COIT said he made no motion, but merely inquired for information.

Mr. HARTLEY said, the gentleman did not know the consequence of such a regulation; he did not know who would have the command. The present Brigadier General, he said, was a man of abilities and respectability, and it would be economy to keep him in the service.

The question for repealing that part of the act which relates to the Major General and his staff was put and carried—ayes 43, noes 32.

The two next resolutions were put and agreed to; and that for adding eight privates to each company being under consideration,

Mr. WILLIAMS thought this would be improper at the present time, as there was a proposition for lessening the number. This, he said, would augment it two hundred and fifty-six men. Each company now was composed of fifty-two privates, four corporals, four sergeants, and two officers; which made sixty-two: as he saw no need to make a larger augmentation, he thought this proposal wrong, and therefore hoped it would not be agreed to.

Mr. S. SMITH said, this was a question discussed in the select committee. It was argued, that if

these men were added to the fifty-two, the complement of which each company is composed, they would be enough to answer all casualties by death, desertion, &c., so as always to keep up the full number. The expense of pay, clothing, &c., he had estimated at thirty-eight thousand dollars. The saving by striking off the cavalry was fifty-two thousand dollars, certain expenses of wagons, &c., not included in this estimate, tents and camp equipage, would be sixty thousand dollars. The addition of these eight men to a company would give two hundred and fifty-six men, in place of one hundred and four, at much less price. These would give an additional strength, at less expense than horse. Yesterday, Mr. S. said, he stated that the expense of two companies of horse was equal to a regiment of infantry, by which he meant the privates of a regiment, viz: four hundred and sixteen men. If he was understood differently, he wished this to be taken as a correction.

Mr. HARTLEY said, there was some difficulty with respect to this clause of the report. Some gentlemen thought the number of men sufficient already. He was of a different opinion; and as the horse were struck out, he thought the additional men necessary. He believed, without this addition, there would not be a sufficiency of troops to garrison the posts; and he had founded his opinion upon information from good authority. He should therefore vote in favor of the report.

Mr. DEARBORN said, the committee was not unanimous upon this clause of the report. He believed it unnecessary that these men should be added, and that the four regiments of artillery were fully equal to all the objects for which they were wanted: he would sooner vote for the reduction of a regiment than for this addition. He had endeavored to satisfy himself of the number of garrisons necessary to be kept up, and the men required for each. As to the casualties which it was said always happened amongst men, they could not be avoided; nor was it necessary to calculate within four or five men for a post; as, for instance, if fifty men were thought to be necessary for a post, if four or five died out of that number, it could not be supposed that those who remained would not be able to defend it. He should therefore be opposed to the resolution.

The question was put on the resolution, for adding eight men to a company, and negatived without a division.

The next resolution, advancing the pay of the officers, was agreed to without any opposition.

On the last resolution, for allowing Majors four rations per day,

Mr. S. SMITH said, that the subsistence of the Majors had, by mistake, been omitted in the act passed last session, and they had therefore introduced it here.

This was agreed to.

It was moved that the Committee rise; when Mr. HOLLAND said, before the Committee rose, he wished to add an amendment to the first section, after the word "repealed," "and that the four regiments of infantry be reduced to three."

It was desirable, he said, to reduce the establishment as much as possible. The Committee had determined not to reduce the infantry from four to two regiments; but though they did not think it right to make so great a deduction, he trusted they would agree to reduce them from four to three.

The question was put and negatived—ayes 37, noes 38.

The Committee then rose, and reported the resolutions, and the House took them up; when

Mr. GALLATIN proposed to amend the report, by introducing the amendment just negatived in the Committee of the Whole, viz: for reducing the infantry from four to three regiments, and desired the yeas and nays to be taken upon it. The yeas and nays were agreed to be taken.

Mr. HARTLEY said, they were some how or other in the habit of *disorganizing*. Last year the whole complexion of our Military Establishment was changed, and now it was to undergo another change. Last year the men and officers were appointed to each other; he hoped they should not become habitual disorganizers by adopting the present motion.

Mr. BUCK hoped it could not be said that he was a favorer of *disorganization*; but he did not see at present any necessity for keeping up the whole of the Military Establishment. Could the number of garrisons and of troops necessary for them be ascertained, he would cheerfully vote for the number wanted; but until that information was before them, being in time of peace, and not wishing to keep up more troops than were necessary, he should vote for the proposed reduction.

Mr. CLAIBORNE was of the opinion, with the gentleman from Pennsylvania, [Mr. HARTLEY] that they were about to reduce *disorganization* to a system; and, unless they economized a little better, the whole Government would be *disorganized*. He was for economizing, in order to prevent that *disorganization*. He hoped, therefore, the amendment would prevail.

Mr. W. LYMAN said, if this were a time of profound peace, perhaps this question would carry a different aspect; but this country could not be said to be in a state of profound peace; for, though we were not in hostility, there were several nations in hostility to us. Was this, then, a time for reducing the Military Establishment? He thought not. It was very uncertain whether we should continue in a state of peace or not. Under this impression, and aided by the information which the select committee had given, he believed it was necessary to retain the whole of the establishment. The committee had stated the posts and the number of men required, and gave it as their opinion that the whole four regiments would be required. He was satisfied, and he believed the committee had retrenched the expense of the establishment as much as possible.

If it were profound peace, (as he had already said,) and there were no distant expectations of hostility from any quarter, he would agree to the amendment proposed. But, in the present state

of things, he should vote for retaining the four regiments, as he believed it would prove a misfortune to the country, if the regiment proposed was done away.

Mr. WILLIAMS said, if they were for a moment to suppose, for the sake of argument, that there was danger of a war from European nations, he would inquire how they should guard against it? Would it be by garrisoning the frontier? No, he believed not; and, therefore, from the arguments of the gentleman himself, he ought to reduce the number of infantry and increase that of the artillery. This, Mr. W. said, was his intention when he proposed to reduce the four regiments to two; for, if there was any danger it was on the sea-coast; therefore, to reduce the infantry and increase the artillery would be real economy.

Mr. PAGE said, if he had thought the amendment really economical, he might have voted for it; but as he believed it was quite the reverse, as the reduction of troops at the time that the number of posts were increased, and some posts were to be advanced far beyond any hitherto occupied, and out of the reach of reinforcements or succor, must necessarily endanger the loss of some posts, which would, without counting the loss of men, be found, in loss of stores, ammunition, and arms, an expensive circumstance. It had been said that the Indians could not take a fortified post, however weakly garrisoned; but this was a great mistake, for they took from the British in one day, under their leader, *Pontiac*, immediately after the war between Great Britain and France, every post they held, except Detroit and Fort Pitt. As to the state of peace we were in, said Mr. P., although he believed the Indians might at present recollect the circumstances which induced them to make peace with the United States, he said he did not rely on its continuance, so as to think it politic or economical to reduce the number of our troops, and to expose the remainder in distant posts, out of the reach of relief. Indeed, said he, I think it cruel to expose a small garrison in some of the intended posts, as the savages would attack them whenever caprice or avarice should prompt them. From motives of economy, said he, I opposed the first motions for raising an Army and holding posts on our frontiers, and then observed, that if we raised one regiment, we should soon be called on for another, and that if we began to establish posts, there would be no end to establishments; but having now established certain posts, he said he believed it would be politic and economical to take care of them and their garrisons.

Mr. ISAAC SMITH said, it did not appear that any garrison held last year had been abandoned this, and it was well known they had now a number of fresh garrisons on the Southern frontier; he therefore could see no propriety in reducing the four regiments to three.

Mr. RUTHERFORD said, no one respected military characters more than him; but he thought, nevertheless, it would be a valuable thing to reduce the infantry from four to three regiments, which would make them more complete. It was his sincere wish that every private should be well

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accommodated and well paid. He surely wished that, and he could say that he wept after the hearse of any brave man who fell in the defence of his country, and would mingle tears with his relatives and friends. He knew we had many brave military characters. This he rejoiced in. And it would be remembered that it would be an easy matter to increase the troops, if it were at any time necessary, perhaps more easily than to reduce them; he was, therefore, for making the proposed reduction. In this case, he said, the best troops would be retained; and if any emergency should at any time arise, the brave yeomanry would come forward in aid of the military corps; and therefore, at this time, when our revenue was embarrassed, if the four regiments could be reduced to three, it would be a valuable purpose done for the people whom they served—it would but be their duty.

Mr. SWANWICK said, some gentlemen had, on this occasion, spoken of the danger of war; but if there was any danger of this kind, our infantry would not serve us. And yet, whilst gentlemen were ready to increase this department of our force, they were willing to do away the frigates. The gentleman from New York, [Mr. WILLIAMS,] indeed, very different from his usual conduct, had said that he would carry the amount of the retrenchments in the Army to the Navy. On this occasion, he said, he joined in opinion with that gentleman; he thought they had already spent too much on land and too little at sea; and, therefore, in hopes that that gentleman and others would vote with him for the frigates when they should come under view, and because he thought it would answer them a much better purpose to have a number of sailors than so many troops, he should vote for the amendment.

Mr. S. SMITH hoped this motion would not obtain. The question had already been tried in Committee of the Whole, to reduce the infantry to two or three regiments, and both had failed; he trusted they would again fail. When the select committee had estimated that the four regiments would be necessary, and that the surplus would only be four companies, which it would be right to place in a proper situation to serve as a *corps de reserve*, which might be applied to in case of attack, he thought these attempts to reduce the number was extraordinary. He did not know whether it was the intention of gentlemen to strike out the officers of a regiment only; if this was their meaning, the saving would be very trifling indeed. He was apprehensive this idea of economy would carry them too far; for his part, he was not, for the name of economy, when he was convinced it would not produce the effect. He found men, heretofore liberal in granting money, since direct taxes had been under discussion, were become very sparing. He was afraid, however, their fear of direct taxes would carry them too far.

Mr. SITGREAVES said, if he had discovered any difference of opinion among military gentlemen on this subject; if he had heard that any of the posts which had been proposed to be garrisoned

were unnecessary, or that the contemplated number of men for each was too great, he should have been at a loss how to have voted; but when he had only heard, in support of the amendment, that our finances needed economy, he felt no embarrassment in giving it his direct negative. If the principle upon which the amendment was supported was true, it should be carried farther; if we were in profound peace, and economy were to be pursued, why not disband the whole establishment? For, if they admitted an Army of any kind to be necessary, they would certainly admit that it ought to be sufficiently large for the purposes for which it was wanted. They had, he said, appointed a committee on the subject, who had informed them of the garrisons necessary, and of the troops proper to be placed in them, by which it appeared that the whole four regiments would be wanted; and therefore he believed there would be no propriety in reducing the number on the ground of economy.

For his own part, Mr. S. said, he did not pretend to be a judge of military affairs; but he thought, when our posts were increased, the military for garrisoning them ought not to be decreased. A state of peace with the Indians, he believed, did not do away the necessity of a Military Establishment, because he believed that peace was only to be continued by the terror inspired by the garrisons.

He would take this opportunity of remarking upon what had fallen from his colleague, [Mr. GALLATIN,] who had said that he thought the four regiments necessary, but that on account of the unwillingness of the House to grant revenue, he would wish to reduce them. Mr. S. said, he believed the circumstances of this country to be such as were fully equal to all the expenses of Government; he believed the people were both able and willing to pay those expenses. Indeed, if there could be any reliance upon the decision of that House, there would be no doubt of revenue being found. If there was any unwillingness there, however, to find revenue, he believed there was none out of doors. There might, indeed, be objections to the mode of raising revenue, but he believed the people were ready to give what was necessary.

Mr. S. said, that when gentlemen agreed that the four regiments were necessary, it was their duty to vote for them, and to provide the means for paying them. It was not right to say, "We agree the men are wanted, but there will be found a difficulty in paying them, and therefore we will withhold our vote;" they ought to vote for the men, and afterwards provide the money. Such was his opinion, and he believed it to be the opinion of the people in general; he should, therefore, vote for retaining the present number of infantry.

Mr. PRESTON hoped this motion would not prevail. He voted yesterday for doing away the cavalry, but he had no idea of reducing the infantry, as he believed the present establishment necessary for the protection of the frontiers. It was true we were at peace, but it was also true that it was with a faithless people, who, when their disposi-

tions or wants urged them to it, would violate the peace, and destroy the frontier inhabitants.

He said, he had not been a little surprised that the gentlemen from New York and Pennsylvania, [Mr. WILLIAMS and Mr. GALLATIN,] who lived on the frontiers, and were consequently subject to the incursions of the Indians, should have advocated the reduction of the present establishment. The gentleman from New York had said he lived within thirty miles of them, but that he depended upon the yeomanry for support, and was not afraid. There was unanimity in this declaration; but suppose these Indians were to come out upon him with hostile intentions, he perhaps might call for assistance when it was too late, and when the defenceless inhabitants of the frontier had met destruction.

Mr. P. said, he could not help being surprised at the reason given for the proposed reduction of the present number of infantry, viz: to retrench the public expenses. He should be glad to meet gentlemen on the ground of a retrenchment of the public expenses; he loved economy, but he hated that little, contracted economy, which saved *pence* at the expense of *pounds*.

He hoped they should not be afraid of doing their duty, because there was a degree of unpopularity attached to all taxes; but if they would fix a permanent source of revenue, they must not go to *cents* and *half-cents* on sugar or *five-penny bits* on salt, but to a land tax, the only object upon which they could look with certainty for supplies.

He should not, however, do as the gentleman from Pennsylvania and one of his colleagues [Mr. GALLATIN and Mr. NICHOLAS] had done, because there was a reluctance in the House to vote for revenue, decline from voting for the present establishment. He would do what he conceived to be his duty, and let others do what they pleased. He would therefore vote for the present establishment, trusting that no gentleman, convinced of the necessity of the Military Establishment, and that further revenue was necessary to support that and the other expenses of Government, would withhold his assent to some effectual system for raising it; and that if it were found indirect taxes would not answer the purpose, direct taxes would be resorted to. Take what mode of taxation they might, difficulties would present themselves. These were unavoidable; but because difficulties occurred, he trusted they would not shrink from the business; to do that would be to show an imbecility of conduct which he trusted that House would never show.

Our constituents, said he, know as well as we do that Government is necessary, or we should not be here; they know expense must be incurred; that that expense must be raised by taxes, and be collected from themselves. Shall we, then, exclaimed he, be afraid to meet them, from having done our duty? All we shall have to do, added he, will be to show the justice of the demand, and he ventured to say their constituents would have patriotism enough cheerfully to pay it.

It was a fact—he acknowledged it was a melancholy one—that there was necessity, from the

present uncertain state of our commerce, of fixing upon some permanent revenue, which should be equal to the purposes of peace or of war. It was proper to guard against all possible circumstances, since we could not always expect to be free from the calamities to which all other nations are subject. Indeed, a day did not pass but they heard from the newspapers of depredations being committed upon our commerce, not only by the British, but by the French and Spaniards; and it was not to be supposed that our merchants would continue their commerce, notwithstanding their mad thirst of gain, under such risks. It was necessary, therefore, to find a substitute for at least a part of the revenue which had heretofore been drawn from that source, or they should not be able even to pay the four regiments of infantry they were then about to agree to keep up. He should, however, consent to do this, and trust in the House to provide revenue when that subject should come before them.

Mr. THATCHER did not see what the present question had to do with revenue. The question was not how many troops the United States could support in time of war, but how many were necessary in the present state of things. As far as this subject was connected with fighting, he knew but little about it, nor did he ever wish to know more than he did. But it was a singular circumstance, he said, that ever since 1791 till the late peace, there had been war on a frontier of five hundred miles extent, during which time the English had had possession of the posts on that frontier, and this war had been supported, and the Indians brought to a peace, by nearly the same number of troops which were now in pay. The reduction since that time had been very small. It was now a time of peace, not even the least suggestion had been offered that any rupture with the Indians was likely to take place, yet gentlemen seemed unwilling to reduce the establishment. During the war, the English had possession of forts within our territory, which they had now given up, and we had taken possession of them, and it could not be considered other than extraordinary that we should have occasion for nearly the same troops now as during that war. Some of the posts which we had obtained being garrisoned, would do away the necessity of garrisoning others. He therefore supposed there would not be occasion to have troops in all the posts which had been mentioned.

But gentlemen had hinted there was danger of war from another quarter. But if they supposed France or England intended to wage hostilities against us, it was idle to talk of one regiment of infantry; they should have twenty regiments. This was, therefore, not the ground of the present question. All that was necessary to be considered was, what number of troops was necessary to garrison the frontier posts? believing, as he did, that three regiments would be sufficient, he should vote for the amendment.

Mr. S. SMITH said, if it were really a fact that as many men were in pay now as were in service during the Indian war, he would agree with the

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gentleman from Massachusetts that the number was too large. [Mr. THATCHER denied having said the number was equal, but that there had been little reduction.] Mr. SMITH said, the number of men then in the service was 5,000, but at present the number contemplated was 3,000. The regulations made last year contemplated the taking in all those who were in service on the first of July last; and gentlemen would recollect that the artillery had been raised in consequence of an apprehension of war with Great Britain, and were meant for the service of the sea-coast; there were, therefore, only two thousand for the service of the frontier.

The gentleman had said some of the posts would be unnecessary, but had not said which. He had been told that a cordon of posts had been so formed as to prevent supplies being conveyed to the Indians—from which cordon the inner posts were excluded. In doing this, they had contemplated the security of the trade to be carried on by the United States on the frontier. If the United States were not able to keep up 1,500 men, they were in a bad situation, indeed. That such an opinion should be entertained in that House, their constituents would not believe, nor did he believe they would thank them for such economy: it was no economy. The last year they had declared what the establishment should be, and now they were proposing to undo what they had then done; by which means they should throw a number of deserting men upon the world, without perhaps the means of subsistence. Was this the way, he asked, in which meritorious soldiers were served in other countries? No; they had half-pay given them, and this, he said, ought to be the case everywhere, and not that, after fighting our battles, and perhaps receiving wounds in the service which incapacitated them from labor, they should be thrown upon the country, desolate. Mr. S. hoped that they should show that there was some degree of fixedness in their conduct. The business was well settled last session. They had only four small regiments to support, and he trusted they should support them, as he believed them necessary.

Mr. HARRISON said, that if the Chairman of the committee had informed them of the number of posts to be occupied, and the men required for garrisoning them, and had shown that the whole four regiments were wanted, he would have voted for them; but not having done this, he should vote for the proposed reduction. That gentleman himself, Mr. H. said, had shown that three regiments would be sufficient; for he had said a certain portion of these men should be kept as a *corps de reserve*. Where, he asked, would he keep them in reserve? He believed the cordon of posts would be too distant for any supplies to reach them in time, in case of an attack from the Indians.

Gentlemen blamed the present economy, and condemned the proposed system of direct taxes; but who, he asked, had created the necessity for one or the other? Not those who advocated either, but those who opposed them. And now, when they were called upon to provide revenue for defraying the increased expenses of Government,

and to discharge a part of the Public Debt, they shrink from the task.

Where, said Mr. H., is this regiment to be placed? It was not to be in garrison, and he did not know where else it could be to any purpose; so that they were about to fix a taxation to grind their constituents for no purpose. Who were the best judges of the wants of the frontiers? Those who lived on them, surely; and they had said there was no necessity for so large a body of men. To keep them, would, therefore, be a lavish use of public money; but if the money, instead of being so applied, were appropriated towards the reduction of the Public Debt, every citizen in the Union would be satisfied. This consideration, and the gentleman's own showing, induced him to vote for the proposed reduction.

Mr. HOLLAND said, if the committee had stated to them the number of posts, and the men necessary to be placed in them, they might have formed a judgment whether the four regiments would be wanted or not; but without that information, they were under the necessity of acting in the dark. The gentleman from Maryland asked if the United States were not able to keep up the troops in question? One thing he knew: that the United States had been able to keep up their expenses, equal to all the revenue which could be collected. But that gentleman seemed to be much affected with the situation of the officers, who would be thrown out of service, if the amendment should prevail. He did not know that they were under any tie to keep them longer than wanted, and he doubted not that officers would always be found when wanted. The compensation, he believed, was fully equal to the service, and that it was a matter of favor to obtain such situations.

A gentleman from Pennsylvania [Mr. SINGREAVES] had said, the military gentlemen were all in favor of retaining the four regiments. He was at a loss to know how that gentleman came at his knowledge on that subject. It was his opinion, the Army system was a bad one, and that it should be reduced as much as possible.

He believed they were likely to have peace on the frontiers. The Indians, he said, would not commit depredations near a post, but at a distance; because they knew, if they attempted a post, they would bring the force of the United States upon them, which would involve them in war. It was well known, the Indians were more afraid of the militia than of regulars, and that therefore the former was the best defence against them. Not having any information, he should vote in favor of the amendment.

Mr. COOPER said it might be of use to gentlemen to be informed of the number of men which the British had kept in their several posts on the frontiers. He said he had obtained the number. He then mentioned what were in the different posts. The total number was 1,245 men.

Mr. WILLIAMS said, our troops were reduced last year to 3,000 men. Now, it appeared, from what had fallen from a gentleman on the committee, their number was 2,500 men. These would be sufficient for three regiments; therefore, the

same number of men would be kept up, as if the four regiments were retained. With respect to the number of officers, we had, he said, 32 companies of infantry, and 16 companies of artillery and engineers. If the reduction proposed were agreed to, there would be left 130 officers. If these were not sufficient for the garrisons, he did not know anything of the business. But the gentleman from Maryland said, the saving would not be so much as had been said. How he estimated he could not tell; but, he believed, that, by putting the same number of men in three regiments which were now in four, would be a considerable saving.

With respect to the frontier, he said, we had no defence in New Hampshire, Massachusetts, or Vermont, nor at New York, except at Oswego, Niagara, and Detroit. This, he said, was a distance of between five and six hundred miles. Nor did he think they were necessary, though there were several tribes of Indians in that quarter. Nor did he think a small post any defence against Indians; if they were to prove troublesome, the militia was the best defence.

He did not see the use of keeping officers when we had no occasion for them. Let us, said he, do equal justice. If they were not wanted, he had no objection to giving them a gratuity, but he had an objection to keeping them in pay when the service did not require them. He hoped the amendment would be agreed to.

Mr. GALLATIN said he would not have brought the question once more before the House had he thought the reduction of expense a trifling one; if he had not thought that the Military Establishment was the most expensive—he had almost said the most extravagant—establishment in the Government. Yet, he said, they were told they had no right to think upon the subject, because military men told us they were wanted.

Mr. G. said, if he understood the gentlemen of the committee, it was a mere matter of opinion as to the number of men to be kept up; and if it was matter of opinion, it was not strictly necessary, because if necessary it was no longer a matter of opinion.

As to the reduction which had heretofore taken place, notwithstanding what had fallen from the gentleman from Maryland [Mr. S. SMITH] the gentleman from Massachusetts [Mr. THATCHER] was pretty nearly right. If his memory was right, when the subject was last under discussion, the number of men in actual service was 3,500, though the nominal establishment was 6,000. It was then concluded that all the men which remained on the 1st of July should be retained in the new establishment; which, as the time of about 400 would then expire, left 3,100 effective men, or thereabout. So that the reduction was more nominal than real.

Mr. G. wished to know, if any reason could be given why we should have more troops now than before the Indian war? He meant exclusively of the artillery and engineers, which was meant for the sea-coast.

He then mentioned some posts where he thought there would be no necessity for garrisons: it was well understood, he said, that the possession of the

posts lately held by the British would curb the Indians. He hoped they should have some benefit from the British Treaty, and if there was any one, it was to be secure, so far as related to the posts occupied by the British, without being obliged to keep up so large a number of troops as before.

As to the idea suggested by the gentleman from Virginia [Mr. PRESTON] that the present was a saving of pence, to prove it was something more, he would call the attention of the House to the expense of the different years, from 1791 to 1795. The years 1790 and 1791, he said, we were in much the same situation as now. There was actual hostility at the time, but it was not so serious as afterward. In 1790, he found the expense was \$291,000; in 1791, \$520,000; in 1792, which was the year in which General St. Clair was defeated, \$974,000; in 1793, \$1,120,000; and in 1794 and 1795, after deducting the expense of the Western insurrection, and harbors, from 1,700,000 dollars to 1,800,000 dollars; in 1796, 1,300,000; and that estimated for 1797, 1,200,000 dollars.

If this expense, he said, was compared with the general expenses of the Government, it would be found to be five-sixths of the whole; and, therefore, if they meant to make any retrenchments, this was the object in which they should attempt them.

If the average expense of 1790 and 1791 was compared with that of 1796 and 1797, the former would be found about 400,000 dollars, while the latter was from 1,200,000 to 1,300,000. Surely, then, there was room for retrenchment.

It was true, as had been suggested by the gentleman from Maryland [Mr. S. SMITH,] that many retrenchments might take place in the Quartermaster's and some other departments. He should certainly support him in those deductions, when they should come under consideration; but an intention of saving in detail ought not to prevent them, he said, from saving in the principal.

That gentleman was, however, mistaken with respect to his saving in the Naval Establishment; for, supposing the frigates would not have more than four months' pay, he had omitted to take notice that there was yet required to finish the frigates about 200,000 dollars.

Considering, therefore, that under the head of the Military Establishment the principal deductions must be made, he hoped the amendment would prevail.

Mr. HARTLEY again requested gentlemen to consider that honesty was the best policy, as the old adage says; and while we pay proper respect in our conduct to our officers, they will not forget us when calling for their service. He would candidly ask gentlemen whether, the last session, the Army was not put on a Peace Establishment? The Executive had now ordered the Army to be organized upon that order, and now for a counter order to take place almost before the old one was established, were they free from alarm, he would ask? After the posts are all occupied, and there should appear a surplus, then would be the time to disband.

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The question was then taken by yeas and nays for the reduction of the four regiments to three, and carried—yeas 44, nays 39, as follows:

YEAS.—Theodorus Bailey, Abraham Baldwin, Thos. Blount, Richard Brent, Nathan Bryan, Daniel Buck, Dempsey Burges, Samuel J. Cabell, Thomas Claiborne, John Clopton, Isaac Coles, Jesse Franklin, Nathaniel Freeman, jr., Albert Gallatin, Christopher Greenup, William B. Grove, Wade Hampton, Carter B. Harrison, John Hathorn, Jonathan N. Havens, James Holland, Andrew Jackson, George Jackson, Matthew Locke, Samuel Lyman, Samuel Maclay, Nathaniel Macon, John Milledge, Andrew Moore, Anthony New, Robert Rutherford, John S. Sherburne, Thompson J. Skinner, Jeremiah Smith, Israel Smith, Richard Sprigg, jr., William Strudwick, John Swanwick, Zephaniah Swift, George Thatcher, Joseph B. Varnum, Abraham Venable, John Williams, and Richard Winn.

NAYS.—Fisher Ames, Theophilus Bradbury, Gabriel Christie, Joshua Coit, William Cooper, William Craik, James Davenport, George Dent, Abiel Foster, Dwight Foster, Ezekiel Gilbert, Henry Glen, Chauncey Goodrich, Andrew Gregg, Roger Griswold, John Hancock, Robert Goodloe Harper, Thomas Hartley, Thomas Henderson, John Wilkes Kittera, William Lyman, Francis Malbone, Frederick A. Muhlenberg, William Vans Murray, Alexander D. Orr, John Page, Josiah Parker, John Patton, Elisha R. Potter, Francis Preston, John Reed, Samuel Sitgreaves, Nathaniel Smith, Samuel Smith, William Smith, Richard Thomas, Mark Thompson, John E. Van Allen, and Peleg Wadsworth.

Mr. MURRAY made a motion to restore the two companies of light dragoons. When the motion to strike out was agreed to, it was contemplated, he said, to retain the four regiments of infantry. Now one regiment had been struck out, there might be gentlemen who would wish to have the dragoons kept up. He owned he was of that opinion.

Mr. SITGREAVES called for the yeas and nays.

Mr. HOLLAND thought there was no necessity for these troops. Georgia was secure, and had soldiers in garrison, as well as the other frontiers. He supposed the member from Georgia voted for the reduction, for the purpose of having those horse kept.

Mr. MILLEDGE said he was still of the same opinion as before, of the great necessity of the dragoons being kept up on that frontier. If posts were necessary there, he said, dragoons were also necessary. He knew it would be a great expense, and he was as much as possible for retrenching expense, but not at the hazard which a want of proper security in that quarter would run. If any disturbance with, or inroads from, the Indians in that quarter should occur, what would give that expeditious check which dragoons could, when our posts are 25 miles asunder, and our frontier extends 300 miles? It was well known that we might be one day upon the best terms, and perhaps the next at war. From these ideas, he would leave gentlemen to judge whether they did not require expeditious movements.

Mr. GALLATIN said he knew not how a motion of this kind could be made, when the question was put on the words as amended.

The SPEAKER explained.

The question was then put to restore the dragoons, and lost—yeas 18, nays 64, as follows:

YEAS.—Abraham Baldwin, William Cooper, William Craik, James Davenport, Dwight Foster, Ezekiel Gilbert, Henry Glen, Chauncey Goodrich, Robert Goodloe Harper, Thomas Hartley, John Wilkes Kittera, Francis Malbone, John Milledge, F. A. Muhlenberg, William Vans Murray, John Page, Samuel Sitgreaves, and William Smith.

NAYS.—Theodorus Bailey, Thomas Blount, Theophilus Bradbury, Richard Brent, Nathan Bryan, Daniel Buck, Dempsey Burges, Samuel J. Cabell, Gabriel Christie, Thomas Claiborne, John Clopton, Joshua Coit, Isaac Coles, George Dent, William Findley, Abiel Foster, Jesse Franklin, Nathaniel Freeman, jun., Albert Gallatin, Christopher Greenup, Roger Griswold, William B. Grove, George Hancock, Carter B. Harrison, John Hathorn, Jonathan N. Havens, Thomas Henderson, James Holland, Andrew Jackson, George Jackson, Matthew Locke, Samuel Lyman, William Lyman, Samuel Maclay, Nathaniel Macon, Andrew Moore, Anthony New, John Nicholas, Alexander D. Orr, Josiah Parker, John Patton, Elisha R. Potter, Francis Preston, John Reed, Robert Rutherford, John S. Sherburne, Jeremiah Smith, Nathaniel Smith, Israel Smith, Samuel Smith, Richard Sprigg, jr., William Strudwick, John Swanwick, Zephaniah Swift, George Thatcher, Richard Thomas, Mark Thompson, John E. Van Allen, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, Peleg Wadsworth, John Williams, and Richard Winn.

And then, the main question being taken, that the House do agree to the said first resolution, amended to read as follows:

“Resolved, That all such parts of the act, entitled ‘An act to ascertain and fix the Military Establishment of the United States,’ which relate to the light dragoons, ought to be repealed, and that the four regiments of infantry be reduced to three:”

It was resolved in the affirmative.

The second, third, fourth, fifth, and sixth resolutions being read, were, on the question severally put thereupon, agreed to by the House.

Ordered, That a bill or bills be brought in, pursuant to the said resolutions; and that Mr. SAMUEL SMITH, Mr. HARTLEY, Mr. PARKER, Mr. VAN CORTLANDT, and Mr. DEARBORN, do prepare and bring in the same.

REGULATION OF PILOTS.

The House, on motion of Mr. DENT, resolved itself into a Committee of the Whole on the bill for the regulation of pilots within the bay and river of the Chesapeake; when

Mr. SWANWICK briefly stated the intention and operation of this bill, which was to give equal privileges to Virginia and Maryland pilots, with respect to bringing in vessels into the Chesapeake. This application was founded on this circumstance, viz: that Maryland pilots went out further to sea than Virginia pilots to meet vessels, and were frequently called on to pilot vessels belonging to Virginia, but not being allowed anything for this pilotage, the Virginia pilots taking possession of any vessel brought in by such a Maryland pilot into the Chesapeake, and receiving all the advantages of the pilotage. This practice had consequently had this effect: Maryland pi-

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lots, though vessels were in the greatest distress, would not come on board, so that many had been lost for want of pilots, as the Virginia pilots scarcely ever went out to sea. The bill went to direct the Board of Pilots to grant licenses on equal terms to Maryland and Virginia pilots.

Mr. PARKER confirmed this statement.

Mr. COIT objected to the principle, from doubts whether they had a right to direct the affairs of a State Government to do certain acts.

Mr. S. SMITH thought these officers might be directed to grant licenses to these pilots on the same ground that the Judges and Justices of States are directed to do the business of the United States.

Mr. SITGREAVES did not allow the analogy of the two cases. In 1789, he said, there was a similar case. When it was necessary to provide for the safe-keeping of the prisoners of the United States in the several States, when Congress did not pass a law on the subject, but passed a resolution requesting the several States to pass laws to provide for the case.

Mr. NICHOLAS thought the duty might as well be done, not by directing the officers to perform the duty, but by permitting them to do it. He thought this mode would steer clear of the objection.

The Committee rose, and had leave to sit again.

WEDNESDAY, January 25.

A message from the Senate informed the House that the Senate have disagreed to the amendment proposed by this House to the bill sent from the Senate, entitled "An act giving effect to the laws of the United States within the State of Tennessee."

NAVAL EQUIPMENTS.

Mr. PARKER, from the committee appointed to inquire into the business of the Naval Equipments ordered by former acts of Congress, and to report whether any and what further regulations were necessary, made a report. The whole amount of expense of the frigates was estimated at \$745,437, exclusive of manning and provisions. The expense of the galleys was estimated at \$80,000. The annual expenditure, it was supposed, would be \$223,174. The money wanted for completing the frigates was—for that building at Philadelphia, named the United States, of 44 guns, \$55,950; for that at Boston, named the Constitution, of 44 guns, \$96,671; for that at Baltimore, named the Constellation, of 36 guns, \$47,275. The United States, it was estimated by the Secretary at War, would be completed in April, the Constitution in July, and the Constellation in May. But the committee were of opinion, owing to the frost, they would not be ready so soon. The committee recommend that the vessels should be finished as soon as possible, and that — dollars should be appropriated for the purpose; that there also be a sum appropriated for purchasing a proper site for a naval-yard; and, also, that provision should be made for obtaining a sufficiency of live-oak and red cedar for naval purposes.

The report was twice read, and ordered to be committed to a Committee of the Whole on Monday next.

CONTESTED ELECTION.

On motion of Mr. VENABLE, the unfinished business of yesterday was postponed, in order to take up the report of the Committee of Elections on the election of JOSEPH BRADLEY VARNUM, which was in favor of the sitting member. It is also stated that his conduct has not only been fair and regular throughout the whole business, but that the object of the petitioners was "*rather the effect of malevolence than from a wish of promoting the public good.*"

Mr. COIT moved to strike out the words printed in italics. He doubted the propriety of the House passing a censure of the kind proposed upon the petitioners and those who supported them.

The motion to strike out the words in question was supported by the mover, and Messrs. THATCHER, BRADBURY, SITGREAVES, CRAIK, N. SMITH, COOPER, MURRAY, SEWALL, HARPER, D. FOSTER, and WILLIAMS; and opposed by Messrs. VENABLE, SWANWICK, W. LYMAN, NICHOLAS, DEARBORN, RUTHERFORD, BALDWIN, CHRISTIE, HOLLAND, MADISON, and BRENT.

The principal ground upon which the motion was supported was, that the Committee of Elections had no business to scrutinize the motives of petitioners; that their motives had nothing to do with the legality or illegality of elections; that they ought to report that a petition had foundation, or it had not; that the House had no right to take upon them to judge upon motives and characters. It was said, on the other hand, that the charges in the petition were so notoriously false and malicious as to call for some other notice than barely to say they were unfounded, and that it was necessary to put a check upon such outrageous attacks upon members of that House, by some such notice as was reported, in order to prevent them in future.

The yeas and nays were called for upon this question, and all the papers relative to the business were read. This took place towards the conclusion of the business, and so exhausted was the patience of the House, that four different motions were made and negatived for adjournment.

At length Mr. COIT offered a substitute for his former motion, viz: to strike out the words in italic, in order to insert these words: "that the conduct of the sitting member has been fair and honorable throughout the whole transaction."

This motion was put and resolved in the affirmative—yeas 44, nays 28, as follows:

YEAS.—Theophilus Bradbury, Dempsey Burges, Joshua Coit, William Cooper, William Craik, Samuel W. Dana, James Davenport, Henry Dearborn, George Ege, Abiel Foster, Dwight Foster, Jesse Franklin, Ezekiel Gilbert, James Gillespie, Henry Glen, Chauncey Goodrich, Christopher Greenup, Roger Griswold, William B. Grove, George Hancock, Robert Goodloe Harper, Carter B. Harrison, John Hathorn, Thomas Henderson, William Hindman, George Jackson, Samuel Lyman, William Vans Murray, Anthony New, Elisha

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R. Potter, John Reed, Samuel Sewall, Samuel Sitgreaves, Nathaniel Smith, Isaac Smith, William Smith, William Strudwick, George Thatcher, Richard Thomas, John E. Van Allen, Philip Van Cortlandt, Peleg Wadsworth, John Williams, and Richard Winn.

NAYS.—Theodorus Bailey, Abraham Baldwin, Thomas Blount, Richard Brent, Nathan Bryan, Samuel J. Cabell, Gabriel Christie, Thomas Claiborne, John Clifton, George Dent, Albert Gallatin, Andrew Gregg, Jonathan N. Havens, James Holland, Andrew Jackson, William Lyman, Samuel Maclay, Nathaniel Macon, John Milledge, Andrew Moore, Frederick A. Muhlenberg, John Nicholas, Alexander D. Orr, John Page, Josiah Parker, John Patton, Francis Preston, and John Swanwick.

THURSDAY, January 26.

UNITED STATES LAWS IN TENNESSEE.

The message from the Senate, of Wednesday, was read, signifying their dissent from the amendment made in altering the salary of the Judge of the State of Tennessee from \$1,000 to \$800 per annum, being part of the act for giving force to the laws of the United States in that State.

It was moved that the consideration of the same be now taken up—ayes 22, noes 22; the SPEAKER decided in the affirmative.

Mr. SITGREAVES was originally a supporter of the larger salary, from a conviction that \$800 would be inadequate to the expenses of the office, or the respectability of talent and character required to fill it. He should expect that the expenses of traveling across the wilderness and opening the several terms at the seasons required by law, were such as entitled a magistrate of so necessary and respectable a description to adequate compensation.

Mr. WILLIAMS had originally opposed the salary of \$1,000, because he considered \$800 as sufficient for the duties that were to be performed; as to the price of the necessities of life, he believed that the argument went for nothing, since it was very well known that they were much cheaper in the Tennessee country than in most other States, where the salaries were not higher than the greater sum; and there were some of the States, the Judges of which had no more than \$800.

Mr. THATCHER had supported the salary of \$1,000 before, and he did not see the justice of arguing that the duties of the office were such, because the same qualifications are necessary for the office, and the same expenses are incurred, whether the Judge has to decide on three causes or three hundred.

Mr. GILBERT said, that it appeared to him that there could be no reason for giving the Judge of Tennessee a larger salary than that of Vermont.

Mr. S. SMITH said, that Vermont was the only State in the Union where the Judge had less than \$1,000; and it did not appear to him as fair to argue for the present time upon an establishment that had taken place at a period when the necessities of life were cheaper.

Mr. NICHOLAS was desirous of practising economy as much as any one in the distribution of the

public property, but he did not see that it would be money misspent in allowing a competent salary on the present occasion.

Mr. COIT said, that gentlemen had formed their notions of the salaries that should be given to magistrates of importance, upon incorrect views of the nature of the case; the class of persons from which they are taken, it must be considered, derive a large income by professional duties, and a profession, too, whose members are generally desirous, after a few years' practice, of retiring from its fatigues; the office of Judge, therefore, must be considered as a kind of sinecure.

Mr. SITGREAVES noticed the observations of the previous speakers, and said that it was entirely immaterial whether, in point of justice to the magistrate, he tried many or no causes, if he was taken from a profession whereby he derived a competent support for himself and his family. As to persons of the legal profession wishing to retire from business, he believed it was their wish in common with every other profession; the expense of living had been said to be cheaper, and the duties few; but, he would ask, if the sessions must not be opened by the Judge at the places appointed by law at the stated periods? When these points are remote, he did not see, then, but labor was greater on a professional man to make those journeys than the local duties themselves, and it would not be said that the expense was less.

On motion for resuming the bill with the larger sum, as decided upon by the Senate, the House divided—ayes 33, noes 39.

The House, therefore, insisted upon their amendment, and returned the bill to the Senate; it afterwards came from thence, with notice that they had receded from their amendment.

PUBLIC DEBT.

A report was received from the Commissioners of the Sinking Fund, enclosing a report from the Secretary of the Treasury to them, giving an account of the sales of public property in consequence of the act passed last session for making provision for the payment of certain debts of the United States. By which it appears that 2,160 shares of the stock of the Bank of the United States belonging to the United States, have been sold on a credit of sixty days, without interest, at the rate of \$2,500 per share, or 25 per cent. above the original cost. That the money received had been placed to the credit of the United States with the Bank; that there had been sold of the 6 per cent. stock to the amount of \$1,200,000, which had been applied to discharge sundry obligations of the United States therein specified.

The report was referred to the Committee of Ways and Means.

CONTESTED ELECTION.

The House resumed the consideration of the last clause contained in the report of the Committee of Elections of the 19th instant, in the case of the contested election of JOSEPH BRADLEY VARNUM, one of the members returned to serve in this House for the State of Massachusetts: Whereupon,

The question being taken, that the House do agree to the same, amended to read as followeth :

"Your committee are, therefore, of opinion that Joseph Bradley Varnum was duly elected; and that the charges in the said petitions against the sitting member are wholly unfounded; and that the conduct of the sitting member appears to have been fair and unexceptionable throughout the whole transaction."

It was resolved in the affirmative.

COMPENSATION TO PUBLIC OFFICERS.

The House then resolved itself into a Committee of the Whole, on the report of the committee appointed to inquire, whether any and what alterations ought to be made in the compensations allowed by law to the officers of the United States? The following report being read, viz :

"That, in the opinion of the committee, the compensations, allowed by law, to the Secretary of War and Attorney General, ought to be augmented by an additional compensation of five hundred dollars per annum, to each of the said officers; and to commence on the first day of January, 1797.

"That, in the opinion of the committee, an addition of salary for the year 1797, ought to be allowed to each of the following officers, viz :

"The Secretary of State, the Secretary of the Treasury, the Secretary of the Department of War, the Attorney General, the Postmaster General, the Treasurer, the Comptroller of the Treasury, the Commissioner of the Revenue, the Auditor, the Register, the Assistant Postmaster General, and the keeper of military stores; and that such addition of salary ought to be at the rate of 25 per cent. on the amount of the present compensation allowed by law, to each of the said officers, respectively.

"That, in the opinion of the committee, the act entitled 'an act to regulate the compensation of clerks,' passed the 13th of May, 1796, ought to be continued during the year 1797, and no longer.

"That, in the opinion of the committee, an additional compensation ought to be made, for the year 1797, to each of the Loan Officers of the States of Massachusetts and New York; and that each of the said officers ought to be allowed the further sum of three hundred and seventy-five dollars, for the present year, and likewise three hundred dollars to be distributed, at their discretion, among the clerks in their respective offices, in addition to the compensations heretofore allowed by law, to the said clerks; and that the sum of one hundred and twenty dollars, ought to be allowed to the Loan Officer of the State of Pennsylvania, to be, in like manner, distributed among the clerks in his office, for the present year."

The first clause being under consideration—

Mr. DEARBORN said, the reasons which had induced the committee to recommend an advance in the salaries of the Secretary of War and Attorney General were, that they appeared too low when compared with those of other officers. They could see no reason why the Secretary of War should not have three thousand five hundred dollars, as well as the Secretary of State and the Secretary of the Treasury, since they believed the business was, in all respects, equal to either of the other Secretaries. They thought, also, that one thousand nine hundred dollars was not a sum equal to the services of the Attorney General,

since the abilities and character required for that office were of the first kind, nor in proportion to the pay of other officers of Government. These were the reasons, Mr. D. said, which had operated with the committee to propose these permanent additions to the salaries of these two officers in question. They were afterwards included with the other officers, upon whose salaries an advance of 25 per cent. was proposed on account of the present high price of living.

Mr. RUTHERFORD hoped they should not concur with the report of the committee. He thought it an improper time to go into the proposed advances of salary. He believed gentlemen drew their opinions of the necessity of doing this, from the present immense circulation of money; but this, he said, would not continue to be the case; they might expect money would appreciate. These advances would prove very disagreeable to the people at large; they were inconsistent, and an outrage on common sense, right reason, and justice. If they had it in their power to raise the salaries of every person in their employ, it would give him pleasure; but how would it look to the people to do it at this time, when our finances required economy? They would not like it, and he should, therefore, give the measure his decided negative.

Mr. THATCHER was opposed to the proposed advances. When salaries were fixed, he doubted not, they were fixed according to their relative importance, and according to the business each would have to transact. As it was probable the expenses of living would not always be so high as at present, he thought any allowance made these officers should be for a limited time. Until he heard some reasons for these advances, (for he had not distinctly heard his colleague,) he should vote against them.

Mr. MURRAY believed little could be added to what had been offered by the gentleman from Massachusetts, [Mr. DEARBORN,] as the reasons for the advance in question. He believed the committee were unanimous in their opinion of the propriety of making the salary of the Secretary of the War Department equal to that of the other two Secretaries. He did not, therefore, anticipate any objections to this proposition. It would be invidious, he said, to go into a comparison of the business of the several departments; but he thought he might, with propriety, say, that the business of the War Department was as important and laborious as that of any of the other departments. It was, therefore, always strange to him that the salary of the Secretary of that department should be less than the other Secretaries. He never heard any reason for it; and he could not doubt, when gentlemen considered the importance of the office, and the labor which he had to go through, particularly, since the system of civilization with respect to the Indians had been adopted, they would not hesitate in voting for the report.

With respect to the Attorney General, he supposed, when his salary was fixed, that it had been made low, from a consideration that he would be able to make up the deficiency from his practice

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at the bar; it was true, this might have been the case; but, being generally drawn from a distance, and of course a stranger at the Seat of Government, he would always have many difficulties to overcome before it could be supposed he would have much business in his profession. He might now and then meet with cases in the Supreme Court, but could not expect to meet with business to afford him any considerable profit. And, surely, said Mr. M., a man, whose opinion was the guide of Government in many of its important movements, should have a sum allowed for his services that should at least be equal to maintenance. Ambition, it was true, might induce men to accept of such an office; but, he asked, if it was proper or reputable to Government, that an officer of such importance in the Government, should be obliged to have recourse to his own private fortune to supply the deficiency of his salary? for everyone knew how far one thousand dollars would go in maintaining a family in Philadelphia.

The additional salary proposed for these two officers, were the only permanent additions contemplated in the report, and he trusted they would be deemed reasonable and proper.

Mr. S. SMITH said, he believed it would be easy to give a reason why the salary of the Secretary of War was not made equal to that of other Secretaries. At the time these salaries were fixed, the business of that office was not what it is now; he believed they had only one regiment at that time. That officer had now an infinity of business, which he had not then, which was good reason for the proposed advance. The Naval Establishment, he said, would also add to the duties of that office. With respect to the Attorney General, his colleague, he thought, had given good reason why his salary should be advanced. One thousand nine hundred dollars, he said, would not be more than a fourth part of the expense which such an officer would be put to in living at the Seat of Government. So that, if his salary were advanced, as proposed, he would still have to encroach upon his private fortune for a maintenance.

Mr. HOLLAND doubted not that, when the salaries of their respective officers were fixed, they were apportioned according to their several duties. He was not well enough acquainted with the duties of the different offices to form a correct judgment on the subject; but, if they were fixed right, he saw no occasion for altering them. The Attorney General had received considerable additions to his salary since it was first established. It had been said, the private business of an Attorney General was injured by undertaking that office. He did not know how this might be in the General Government, but in the State Governments it was very different, such an office gave a man consequence in the public opinion. He believed this would be the case with respect to the Attorney General, if he had time to spare. With respect to the Secretary of War, he thought it a little odd that now, in a time of peace, an increase of salary should be asked. Something had been said of the Naval Establishment adding to his duty; he hoped that establishment would not afford him

much business. He should certainly be opposed to troubling him much on that account. He hoped the report would not be agreed to.

Mr. NICHOLAS said the advance now proposed, was different from raising of salaries in general. He believed the salary of the Attorney General was fixed at so low a sum from an idea of his getting business; but it must be known that a stranger would have little chance of entering into practice on his arrival at the Seat of Government. If the office was necessary (and he believed no one would dispute that) it was necessary to raise his salary.

Mr. N. said, he was doubtful whether the business of the Secretary of War was equal to that of the other Secretaries; but he thought the public service and interest would be promoted by making this salary equal to the others, as it would do away that desire of change which at present existed, on account of the difference of salary. He should, therefore, vote for this part of the report, but should be opposed to the other parts of it.

Mr. HARTLEY said, the committee could not see any solid reason why the salary of the Secretary of War should be less than the other two Secretaries. The Attorney General, he said, was cut off, by the duties of his office, from the taking circuits in the country. Indeed, he believed, he had not much time to attend to any other business than that of Government. Fees, he got none. He therefore depended on his salary. He was a stranger, and as Government was likely shortly to be removed, he would be looked upon merely as a temporary resident, and would not, on that account, be likely to obtain much steady business.

Mr. THATCHER wished the present subject had been put off till next session. At a time when they were embarrassed for want of money, he thought they ought not to be advancing salaries. He saw no reason, if they agreed to this report, why they should not extend the advance to themselves. No officers suffered more from the depreciation of money than that House and the Senate.

The arguments of the gentleman from Maryland, for advancing the salary of the Secretary of War, went to the docking that of other Secretaries. He saw no justice in augmenting one and not the other. He saw no objection to the salary of the Attorney General being raised, if he had not business. Justice seemed to require this; but still he was sorry the subject was now brought forward. The fears which they at present entertained of a defalcation of revenue on account of the hostile dispositions of foreign Powers, might not be realized; and, in that case, they should feel more disposed to be liberal. He therefore moved the Committee might rise.

The question for the Committee rising was put and negatived, there being only 28 votes in favor of it.

Mr. BRENT said, the sense of the Committee would, perhaps, be more fairly taken, if the question was divided; for, though he thought it no more than right that the salary of the Secretary of War should be advanced, yet he did not think

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it so necessary as that of the Attorney General. It had been justly observed that, when the salary of this officer was fixed, it was, probably, from an idea that he would get business in his profession; but, notwithstanding some of the highest law characters in the country had filled that office, he believed they had never had much business besides that of their office. He said there was no office under Government of greater importance than this, and its duties ought, in some degree, to be required. The income of the present Attorney General, from his profession, he well knew, before he entered upon his office, was more than double his present salary. He hoped, therefore, whatever might be done with respect to the Secretary of War, the pay of the Attorney General would be increased.

Mr. HARPER believed, without entering into a comparison between the duties of the different officers of Government, other views of the subject might show the justice of the proposed advance. He trusted, no objection would be made to the advance of the Secretary of War equal to the other Secretaries. It was certain none of the duties of the officers of Government could be discharged without a constant residence at the Seat of Government; and, when a man left his home, it was of little importance whether he was employed a half or a whole day, or whether his duty was great or small, he made the same sacrifice in one case as the other.

With respect to the Attorney General, the present salary held out a fallacious expectation of business, independent of his office; whereas, no man entering upon this office could obtain a practice of any consequence, till he had held it at least for three or four years; because, when business of this kind had got into a channel, it required time to divert it. The Attorney General, Mr. H. said, was an officer of Government frequently called upon in public business, not only by the Executive, but by Congress, and this being of a paramount nature, all other business must yield to it. Therefore, a gentleman filling this office would not have time to attend to regular practice, since, to do that to any purpose, he should always be found at his office or at court. An officer of this kind, Mr. H. said, ought to be so paid, as not to depend upon private business for a living. His office was very important, and would require his mind to be wholly free from other concerns; as, except this were the case, public business would never be done in a proper manner. He hoped, therefore, the report would be agreed to.

Mr. RUTHERFORD repeated his objection to agreeing to the report. He said, to advance the salaries as proposed would be, to remedy a temporary evil, at the expense of a permanent one, and would be contrary to Republican economy.

Mr. HARPER proposed, by way of amendment, to make an additional allowance of \$1,600, instead of \$500, to the Attorney General, in order to make his salary \$3,500, so as to be equal to the Secretaries of State and of the Treasury.

This proposition did not meet with a second, and therefore fell to the ground.

Mr. GALLATIN said, there was much weight in many of the observations of gentlemen in favor of the first clause of the report. Strong reasons had been urged why the Secretary of War should be put on a level with the Secretaries of the other Departments, and, also for advancing the salary of the Attorney General. Though he did not think all the reasons which had been offered were of equal weight. One of the arguments used by the gentleman from South Carolina [Mr. HARPER] was, that all the officers of Government were obliged to leave their homes to reside at the Seat of Government, and that it was not important to inquire what were their duties. He did not think this a good reason why the salaries in question should be advanced. It would apply to all the officers of Government resident at the Seat of Government,—to the Postmaster, Comptroller of the Treasury, and others.

But, taking it for granted, that it was necessary to make some distinction between the Heads of Departments and others, there was a fact stronger than any arguments used on the occasion. Our business, said Mr. G., has been done, and been well done, under the present establishment. If this were a fact, until they found it neglected for want of a sufficiency of salary, he thought they should not increase it. At any rate, he thought they ought not to vote for this increase, when revenue was so much wanted as at present.

Without wishing to give it as general sentiment, we ought, said he, to consider, on the present occasion, the feelings of the people. Upon the subjects of granting salaries and laying taxes, these feelings should be considered, because the security of revenue depended upon public opinion; and if once that was unattended to with respect to raising of money, our situation would be worse than at present. Evasions would be made and smuggling would be introduced.

He believed the present prevailing opinion was, that the salaries of our officers were sufficiently high. If this was so, he thought, at the moment they about to resort to direct taxes, which would go to the pockets of every one, they ought not to tell the people their opinion was ill-founded. For this reason, and believing that no mischief could arise from withholding this advance, he should vote against this part of the report.

Mr. WILLIAMS said, when the salaries of these officers were estimated, Congress doubtless took into view the duties of each, and apportioned them accordingly. Since that time the business of the War Department was much increased; and it was found that the Attorney General's dependence upon business, besides what was connected with his office, was very uncertain. When the subject was before the committee, he was of opinion that the salaries of these two officers were too low; and it was well known that he was not in the habit of voting for the increase of salaries. And, he would ask, where there was a man who lived in Philadelphia, in the same style in which it was expected that our Attorney should live, that could maintain his family for \$1,900 a year? And if this could not be done, was it right that they

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should expect their officer to encroach upon his own private fortune, whilst in the service of Government? He trusted not. Their officers, he said, ought not only to have a sufficiency for a handsome maintenance, but something more. He trusted, therefore, the report would be agreed to.

Mr. S. SMITH said, the gentleman from Pennsylvania [Mr. GALLATIN] might wish, by keeping down salaries, to shut out persons from distant parts of the Union, from the offices of Government, and confine them to inhabitants of Pennsylvania, who would not labor under the disadvantages of strangers; he, therefore, might not feel the subject so much as others. He believed the PRESIDENT had found a difficulty in filling the offices of Government, from the lowness of the salaries affixed to them. Persons, who could not afford to spend their private fortunes in the public service, had declined the acceptance of them. The present Secretary of War was a man of fortune, and could afford to spend a part of it, and therefore he accepted it; but it might have been offered to persons who could not have afforded to have made the sacrifice.

No man, Mr. S. said, could come into Philadelphia, and live for \$3,500 a year. Suppose him at the head of a Department, he could not keep a riding horse for that sum. He agreed with the gentleman from Pennsylvania [Mr. GALLATIN] that they ought to attend to public opinion. The opinion of that gentleman's constituents, he doubted not, was, that \$3,500 was a monstrous thing. But, he would ask, what the opinion of the people of Philadelphia was? In his district, he was confident, the opinion of the people was not that the salaries of our officers were too high.

But, what was the consequence of thus keeping down salaries? It excluded from the offices of Government all but men of fortune. Many gentlemen would not complain of this, but he wished to bring forward men of talents and industry, who could not be put into offices, except the salary were sufficient to support them in the style in which they must live.

Mr. A. JACKSON said, the reason which had weighed with the committee principally, was, that these salaries ought to be advanced, in order to make them in proportion to the other salaries of Government officers. No gentleman, he believed, had given any reason why the present difference should exist.

But, whilst he was up, he would notice what had fallen from the gentleman from New York [Mr. WILLIAMS.] He had asked what Attorney General could maintain his family for \$1,900 a year? But, when the salary of the Judge of Tennessee was under consideration, \$800 were thought enough by that gentleman, for him and his family, though he were a man of abilities equal to the filling of the office of Attorney General. If the Judge of Tennessee was to leave his profession to live upon \$800, he thought \$3,000 might support the Secretary of War. For this reason, though he saw no other ground for changing his former opinion, he should vote against the report.

Mr. WILLIAMS said, he wished to set the gentle-

man right. He thought \$800 in Tennessee more than equal to \$3,000 in Philadelphia; but the Attorney General, if the proposed advance was made, should have only two thousand four hundred dollars.

Mr. MURRAY hoped the gentleman from Tennessee would not depart from the opinion which he acknowledged he had been of. The question was not whether \$3,000 in Philadelphia were equal to \$800 in Tennessee, but whether they should not advance the salary of one Secretary to that of two others, and add \$500 to that of the Attorney General. He trusted, therefore, five minutes' reflection would restore the gentleman to his former opinion, since the Judge of Tennessee had nothing to do with the present business.

Mr. HENDERSON said, amongst the duties of the Secretary of War had been mentioned the great business which would be occasioned by the plan adopted for civilizing the Indians. He did not know what part of that business he would have to perform; but he knew there had been appointed an agent of the Indian department, and a Purveyor of Public Supplies, who, he imagined, would reduce the business of the Secretary of War in that respect. Peace, also, being concluded with the Indians, they might rationally conclude that there would be a diminution of duty.

Mr. H. asked, whether the Secretary of War or the Attorney General had presented any memorial for an increase of their salaries? He believed not. He had heard, on former occasions, of gentlemen volunteering themselves in the service of petitioners; he thought this would be truly a volunteering business, and at a time when our revenues called for the strictest economy. He wished the subject had been suspended (as had been proposed) for the present session. For his part, he did not expect much diminution in the price of living.

Mr. CORR hoped the question would be divided; so that the sense of the committee might be taken separately on the advance proposed to each officer. An argument of considerable weight with him in favor of the advance of the Secretary of War, was, that his salary being \$500 less than the other two, however his abilities may be peculiarly adapted for that office, whenever there was a vacancy in either of the other two, he was always ready to make a change, and by these changes, it might happen that a valuable man would be lost to the War Department, whose abilities were peculiarly fit for the office, and which, therefore, were sacrificed. He hoped the report would be agreed to.

Mr. MURRAY said, he meant only to make one remark in reply to the gentleman from New Jersey. He would inform him that this was not a volunteering of business, as he had been pleased to call it; but in consequence of (what seemed to have slipped the gentleman's memory) a recommendation from the PRESIDENT at the opening of the session. [Mr. M. read the passage of the PRESIDENT'S Speech, which recommends the compensations of the officers of Government to the attention of both Houses.] This was a recommendation, which he trusted the gentleman from New

Jersey would not feel a disposition to slight. As to there having been no petitions, he said, it would be a miserable justice, which waited to be petitioned to redress a grievance which was so glaring as the present.

Mr. HARTLEY read the resolution of the House which appointed the committee to take this subject into consideration. In consequence of that resolution, Mr. H. said, the committee had looked into all the salaries, from the highest to the lowest, and the report before them was the result of their inquiries. The committee, he said, were unanimous as to the propriety of raising these two salaries.

Mr. HENDERSON said, it struck him that there had been no application to the House in the usual way for an advance of these salaries, and this was the foundation of his remarks. Though he trusted he should always pay due respect to what came from the PRESIDENT, yet he did not wish to pay implicit confidence to any communication. He wished to have an opinion of his own. It was on account of economy that he objected to the proposed advances. Notwithstanding the recommendation of the PRESIDENT, the present embarrassment of our revenue was such as would warrant, at least, the postponement of the subject to a future day.

Mr. SITGREAVES said, it was a strange thing that so much should be said about the embarrassment of our revenue upon every question which came before them, as if they could not do an act of justice, because of that embarrassment. If this argument was to be used so often it became necessary to question wherein it consisted. Would any gentleman say that the state of the country was such as not to be equal to the support of Government? Was the country, then, poor? No; the people were able and willing to do justice. The embarrassment, of which they heard so much, was nothing more than a conflict of opinion in that House, and a difficulty of forming a majority on any one plan,—and no real embarrassment. This consideration, therefore, ought not to be pressed upon the House on every occasion. It was not a want of means, but a difference of opinion on the choice of means, which embarrassed them.

While he was up, he would make a few remarks on what had fallen from his colleague, [Mr. GALLATIN.] Though he differed with him with respect to his conclusions, yet he was pleased with the avowal of his opinion, "that the business of Government had not only been done, but well done." He felt satisfaction at hearing the approbation of so good a judge; but he differed from him in the inferences which he drew from his assertion. Mr. S. said, he acknowledged "it had been well done," but it did not follow that it would continue to be well done. If these gentlemen had been enabled to discharge their duty while things were low, without an outrage o: their duty to their family, did not a change of time and circumstances call for a change of conditions? Most certainly they did. Besides, though they were told "that the business was done, and well done," yet he believed there had been some difficulty in

obtaining persons to do the business. Was it not true that embarrassments had arisen, and were likely to arise, from a want of sufficient salary being allowed? The PRESIDENT, he said, was a character not wantonly to lay things before the House; and, when he had suggested what was important, was it not to be supposed that, from his experience, he had found them to be so? Was it not a fair inference that serious inconveniences had arisen? Was it not matter of notoriety, that offices had been offered and refused, and that valuable officers had given up their situations, on account of the incompetency of salaries? He believed it was.

Nor did Mr. S. agree with his colleague as to what was the public opinion with respect to salaries. In his mind, the prevailing opinion was, that the salaries of officers ought to be competent; such as would command men of abilities throughout the United States.

There might be some difference of opinion betwixt people in one part of the country and those in another, with respect to what was sufficient; but amongst the people in his walk, very opposite sentiments were held to those which the gentleman had given as the prevailing public opinion—they thought the salaries of officers incompetent to their situations.

He hoped, therefore, the House would do what they conceived to be right in the abstract. If there was a propriety in making the salary of the Secretary of War equal to the other Secretaries, and of advancing the Attorney General's, he trusted they would do so. He doubted not they would afterwards provide the means. He hoped, therefore, they should hear no more about embarrassments.

Mr. GALLATIN said, when we feel, and have felt for some time, embarrassments with respect to our revenue, it was but just, but right, to bring those embarrassments forward against our increasing expenses; the thing was so evident as not to need an argument to support it. Had they not last session and this session, he asked, statements from the Department of the Treasury, which showed clearly this embarrassment? Did they not know that they had been obliged to sell their shares of the Bank of the United States? That, though that Bank had asked for payment of the debt due to them, they had not been able to pay it? Last year, when they asked for payment of part of the debt, Government opened a new loan upon the most advantageous conditions; they had also offered for sale their shares of the Bank stock, but all had not been sufficient to pay the debt.

If this was not a real embarrassment, if it was not felt by all of them, he did not know what was become of their feelings with respect to public credit. When they knew (what did not depend upon the opinions of any man, who was liable to be mistaken, but from official reports) that the present revenue was not equal to our expenses; that, from not being able to borrow money, they had found it necessary to increase the revenue; when we know the situation of our present revenue, that it depended on a commerce every where

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subject to attack and depredation, and that, consequently, it must experience great defalcations; was there not some ground, he asked, for saying their revenue was embarrassed, and for refusing, on that account, to go into an increase of salaries?

Mr. G. said, his colleague seemed to have laid peculiar stress upon his having said that the business of the officers, whose salaries were proposed to be advanced, "had been done, and well done," for their present pay, and that, therefore, there was no occasion to increase them. Mr. G. did not mean to retract anything which he had said; he thought it "had been done, and well done." But, as a different meaning might be put upon this assertion from that which he intended by it, he would just declare in what sense he used the words. He solely applied the remark to the business of office; he meant that all the details of business which fell under these Departments, had "been done, and well done;" and had no allusion to the Ministerial measures of any of those gentlemen. He did not know, upon examination, whether he would approve or disapprove of them; but he had applied his remark merely to the business of office, which he considered "as done, and well done," and that, therefore, there was no need of any increase of salary.

As to what his colleague had asserted respecting "prevailing opinions," he knew not the line of his walk; but when he mentioned the prevailing opinion, he meant the opinion of the great mass of the people out of large cities. He believed that opinion was what he had said it was, and he thought it necessary to pay some respect to it. And when he said, that our revenue depended in a great degree upon public opinion, it was not a wild assertion, but founded on fact. He knew if public opinion did not look upon the practice of smuggling as dishonorable, it would not be long prevented. If it were looked upon here as no higher crime than in England, where it was thought very lightly of from the oppressive weight of duties imposed, smuggling would soon become very common in this country; but, at present, infamy was attached to the character of a smuggler, and while public money continued to be properly expended, this sentiment would continue; but no longer would public opinion support Government than while Government respected public opinion.

When he made these observations, he said, he did not mean them to apply particularly to the five hundred dollars proposed to be advanced to these gentlemen, but to increases of salary in general. This was not a moment, Mr. G. said, in which to increase these salaries; for if they increased these, they must increase many others.

One of his colleagues [Mr. HARTLEY] had said, they had begun at the head, and examined all the offices downwards, in order to discover what alterations were necessary in the salaries of the different officers of Government. He would have begun differently. He would have set out at the lowest officer, and proceeded upward. The reason why he thought this should have been done, was not immediately connected with this report. It was, that the increase of price in the necessities of life

bore harder on the lower than the higher ranks of society. But the present increase, he believed, was to be a permanent one; and, as he had heard nothing to alter his opinion on the subject, he should vote against the measure.

Mr. ISAAC SMITH said it was from a respect to economy, he should vote for this report. If, by having their salaries too low, none but the wealthy could accept of them, he believed economy would not eventually be promoted by such a practice. Wealth, he said, did not give wisdom. Cræsus was a rich man, but he never heard it said that he was a wise one. He did not look upon the proposed advance as a rising of salaries, but as an equalization of them. Instead of five hundred, he thought the advance should be one thousand dollars; nor would this addition make them equal in value to what they were when granted.

The question being divided, the sense of the Committee was first taken on that part which relates to an advance of five hundred dollars to the Secretary of War, and negative—47 to 42. It was then taken on making a like allowance to the Attorney General, and carried, there being 48 votes in favor of the amendment.

The next resolution, recommending a continuance of the act for regulating the compensation of clerks, passed last year, was taken up. There appeared to have been a mistake in the report of a date. This act was said to have passed on the 13th, instead of the 30th of May last, on which account the reading of the act was called for. It was read.

Mr. DEARBORN said, upon examination, it appeared that the same reasons operated now for keeping the act in force, as operated last year in passing the law, when the business was thoroughly investigated. With an exception of two or three instances, this act, it was thought, would provide sufficient compensation for the several officers and clerks therein mentioned. These exceptions were the Loan Offices of New York, Massachusetts, and Pennsylvania, for whom a provision was made in the next resolution.

Mr. MADISON said, if he was not mistaken, the act which had been read not only provided for the increase of salaries of the clerks in the several public offices, but left it to the Heads of Departments to apportion this increase as they thought proper. This, he supposed, was the effect of necessity, and not meant as a permanent principle. He wished, therefore, the allowance should be apportioned by law. This, he said, was conformable to the true spirit of the Constitution. It was proper that these salaries should depend on law, and not upon the will of a superior. He wished, therefore, the allowance should be apportioned by law. This, he said, was conformable to the true spirit of the Constitution. It was proper that these salaries should depend on law, and not upon the will of a superior. He wished, therefore, that that part of the report might be recommitted.

Mr. WILLIAMS said, if the law in question was proposed to be a permanent one, the alteration proposed by the gentleman from Virginia would be very proper; but as the law was only passed

for one year, and it was now only proposed to continue it for the year 1797, at the expiration of which he trusted the price of living would be moderated, he did not think it necessary to recommit the report for the purpose mentioned.

Mr. HENDERSON said, that during the last session, there was a report made to the House, that the number of clerks in certain public offices might be reduced, from one hundred to eighty. By this diminution, he said, there was an immediate addition of 25 per cent. to the remaining clerks. This, he said, was not taken into consideration in the law which had been read. He thought the addition proposed by this law, with that of the 25 per cent. which he had mentioned, would make a very extravagant addition to the salary in question. He thought, therefore, that there was no necessity for a continuance of the law before them. He was of opinion, also, that a further reduction of clerks might be made.

Mr. DEARBORN said, he was not acquainted with the circumstance which had been mentioned by the gentleman from New Jersey; and that the only thing which had come before the committee on this subject, was the act in question. If any act existed of the kind which had been alluded to by that gentleman, it did not come before them.

The question for continuing the act was put and carried—42 to 40.

Mr. HENDERSON moved that the Committee rise, as, before the next resolution, relative to the Loan Officers, came under consideration, he wished the resolution, which he had lately laid on the table, relative to this subject, to be disposed of, in order to obtain the information there contemplated. Mr. H. briefly related the reasons which had urged him to bring forward that resolution.

Mr. WILLIAMS said, if it was possible to get any information on the subject, he should not object to the Committee's rising. They might obtain information as to the past, but no one could say what would be the business of future years. The resolution before them proposed to advance the salaries of the Loan Officers of New York, Massachusetts, and Pennsylvania. If the gentleman would cast his eye upon the report of the Secretary of the Treasury, he would see that there had been paid at Boston, last year, three hundred thousand dollars; at New York, about the same sum; and in Philadelphia, about eighty thousand dollars. And, except the system were to be entirely changed, after waiting two or three weeks for information, he did not know that it would afford any satisfaction.

If the proposed addition was made, Mr. W. said it would only amount to six or seven hundred dollars; but if the gentleman thought they had time this session to go into a different arrangement, he would not object to it. He believed an alteration in the system was very desirable, for the Loan Officer of North Carolina was paid a salary of one thousand seven hundred dollars for himself and clerks, and had only received three thousand five hundred dollars, and yet he was praying for an increase of salary!

The Committee rose, and had leave to sit again.

FRIDAY, January 27.

COMPENSATION TO PUBLIC OFFICERS.

The House took up the report of the Committee of the Whole of yesterday, on the report of a select committee on the subject of compensations, and the last paragraph relative to the Loan Offices being under consideration—

Mr. GALLATIN said, he was unwilling to agree to an augmentation of the salaries of the Loan Officers in the manner proposed by the report. He found these officers in the State of Massachusetts and New York, had each 1,500 dollars, and it was proposed to add \$375 to each. The present salary was equal to the District Judge of New York, and 300 dollars more than the District Judge of Massachusetts. It was true the business was greater in those two States than in any other in the Union, but he thought this ought to be provided for by additional clerks, though there were already five clerks in each of those offices, which called for a sum of 4,000 dollars to each office. He would, therefore, move to strike out what related to the increase of the salary of the Loan Officers, and confine the allowance to the clerks only.

Mr. S. SMITH had no objection to the proposed amendment, or to vote against the whole clause; for, if they declined to compensate offices of the first trust, he did not see any reason for adding to the compensation of the offices in question, particularly as he perceived one cent was already paid upon all the money received. He had observed, that men who were the most expert with their pen before they got into office, when they were placed there, laid it aside. He could not see how five clerks could be employed in those offices.

Mr. SWANWICK was of opinion that this business was capable of considerable reformation. He thought there was very considerable embarrassment in this department, which might be dispensed with. He did not see why this business in Philadelphia might not be transferred to the office of the Treasury Department. But as it would not be proper to make a proposition of this kind at present, he should satisfy himself with voting against the amendment.

Mr. SEWALL said, gentlemen were mistaken when they spoke of the business of the Loan Offices (particularly of Massachusetts) as not having much to do. He believed the Loan Officer and Clerks at Boston were fully employed every day, and sometimes on Sunday, so numerous and minute were their entries. The present motion, he believed, was in conformity to the proceedings of yesterday, but he thought the salaries in question ought to be advanced. The proposed addition was not, as he understood, on account of additional business, but upon the same principle which had influenced advances in other cases, viz: a decrease in the value of money.

Mr. S. SMITH said, that if it had been on the ground of a depreciation of money, that these salaries were proposed to be advanced, it would have applied to every officer in the Union equally with the Loan Officers proposed to be raised. He

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therefore moved to strike out the whole of the paragraph.

Mr. VARNUM seconded the motion.

Mr. AMES said the gentleman from Maryland [Mr. S. SMITH] had suggested that persons who were very active with their pen before they came into office, when they found themselves fixed there, were apt to put the whole of their business into the hands of clerks. The suggestion might have weight; and, therefore, he should take the liberty of saying, the remark did not apply as it respected the officer of Massachusetts. [Mr. S. SMITH said he did not allude to any particular officer.] Mr. AMES said he knew he did not; but his observations might be supposed to be applicable to the officer of Massachusetts. If, indeed, the remark was applicable, it might afford good reason for withholding the proposed advance; but the Loan Officer of Massachusetts was a man of great industry and application, and the business of his office required the unremitted attention of himself and clerks.

As to the State officers, he would not say whether they had, or had not, sufficient salaries; nor did he believe they always attended to the rewards given to State officers as a scale upon which to reward the officers of the United States. They had set out upon a scale of their own at the commencement of the Government; but what was an adequate salary then, was not so now; and the business of the Loan Offices was so far from being diminished, it was continually increasing. In Massachusetts in particular, since the assumption of the State, of debts, the business was vastly augmented. He was informed that there were upwards of two thousand accounts open in that office. Of course the adjustment of interest upon all these accounts, would require great accuracy and labor.

Observations, Mr. A. said, which went to keep down the salaries of office, he knew were popular among certain descriptions of people; but he did not think this squeezing of public officers was prudent, just, or honorable. He did not think the least possible sum for which an office could be executed was the wisest or best to be adopted. The true rule was, that such a sum should be paid for service as was sufficient to command men of talents to perform it. Anything below this was parsimonious and unwise.

Mr. SWANWICK said, many of the difficulties which they experienced from the applications of their officers for advances of salary, arose from the source of indirect taxation. For instance, if you lay an additional duty on sugar, your officers will have to pay a portion of that duty out of their salary; so, likewise, if a duty was laid upon any other article which they were in the habit of consuming. Every tax on articles of consumption necessarily increased the price of living, and the United States must pay their officers accordingly.

Mr. S. said, they were apt to deceive themselves, when they charged the high price of every article of subsistence to the depreciation of money; it was chargeable, principally, to indirect taxation.

Laborers who had to pay indirect taxes upon almost everything which they consumed, were obliged to charge these taxes upon their labor; the farmer had, therefore, to pay higher wages, and he in return, charged his produce accordingly. He thought, therefore, we should find economy consulted, in resorting to a different plan of taxation.

Mr. S. saw no particular occasion for advancing the salaries of the Loan Officers, while other officers remained at their former rate. It was true, that the salaries of our officers slid imperceptibly from under their feet; for though a salary was a just compensation when granted, they were continually taking from it by taxes, since every additional tax was a deduction from the salary of every officer of the United States, and they had a just demand against Government, at least, for the amount of taxes paid in this direct way upon almost everything they purchased. He should, however, be against granting any partial relief. Indeed, he was of opinion, this business of Loans might be done upon a much more economical plan. He thought the business might very well be done at the branch banks.

Mr. NICHOLAS said, he frequently heard that a depreciation of money was the cause of the salaries of their officers proving incompetent; this, he allowed, might have some weight, but not all that was given to it. It was notorious, at the time these salaries were fixed, Government was attempting a dazzling splendor of office; but he trusted better principles were now gaining ground; he trusted they should have more satisfaction in paying their debts than in wasting the public money in splendid salaries, and by that means giving a fictitious splendor to office, which was unfit for a Government like ours. He should not say that a depreciation of money might not have had some effect, but attention should also be paid to the change in opinion which he had mentioned.

The present salaries were not perhaps sufficiently high; yet, in our present situation, when our commerce lay prostrate, and when we knew not whether greater difficulties might not ensue, it was not a time to think of advancing salaries. Public officers must submit to bear a share of the evils in common with others. The time was coming, and, he thought, would soon arrive, when money would be as valuable as ever. He, therefore, would not consent to the proposed advance.

Mr. RUTHERFORD said, he concurred with the gentleman from Massachusetts [Mr. AMES] that an ill-timed parsimony was not to be defended; but he said there was as great a difference between economy and parsimony as between luxury and economy, and it was the great duty of this democratic Republic, to conduct itself with economy, decency, and simplicity of manners, and to part with everything loose and fantastical. He would refer to the gentleman's own feelings—for he acknowledged he was a man of feeling—and ask whether there were not twenty characters in Massachusetts in every way equal to the filling of their Loan Office, who would be ready to offer themselves for the office at the present salary, if

it were vacant? Money was a precious article; the people viewed their money with a great deal of respect, and parted with it with great regret; and it was this people, and not a Commissioner of Loans, who were to support this Government, and it was their feelings which ought to be consulted.

Mr. GALLATIN said his motion was to strike out what related to the Loan Officers, and to confine the proposed advance to the clerks only; but the motion of the gentleman from Maryland went to strike out the whole paragraph. He wished the committee would give them the information which they had on the subject. If there was a want of clerks in the offices mentioned, he would vote against the present motion; but if there was no need of any addition, he would vote for it.

Mr. DEARBORN did not know that he could give satisfactory information on the subject, though the committee took every means in their power to obtain it. It appeared to him that the business of the two offices of New York and Massachusetts had become so burdensome that it was next to impossible, without laboring day and night, and on Sundays, to do the business; and the complaints of the clerks were so general that the committee were induced to believe it was necessary to give them additional compensation. As he passed through Boston, he saw one of the clerks of that Loan Office, who assured him that it was impossible to live upon the salary which he received, and that he was constantly obliged to his friends for assistance. Mr. D. said, he was no friend to exorbitant salaries, but he did not think it right that they should pinch persons in their employment so much as to oblige them to trouble their friends to make up a maintenance for themselves and families.

Mr. D. said, it was the opinion of the House last session that the salaries of certain officers of Government should be advanced; a bill passed that House for that purpose, but, from the lateness of the session, or some other cause, it did not pass the Senate. If it was necessary then to make the increase, the necessity did not exist less at present. The Committee of the Whole, it was true, had decided against augmenting certain other salaries, but he considered this as a subject which would come again before the House; and he thought they must either agree to the present proposition for advancing the Loan Officers and their clerks, or acknowledge they did wrong last session.

Mr. S. SMITH said, the observations of the gentleman from Massachusetts went to show the propriety of an increase of the salaries of all other officers, as well as those in question. He was against singling out particular officers for an advance; if the whole were advanced together, he should not object to it. As to the \$120 proposed for the Loan Office of Pennsylvania, he thought the office itself might be dispensed with, and the business be as well done at the Treasury Office. The only reason given for the advance was, the depreciation of money, and that consideration would apply equally to all the officers of the Government. He should, therefore, be opposed to granting the allowance to the officers in question.

Mr. AMES said, from the turn which the debate had taken, the object became of greater importance than the mere advance of the salary of the officers in question. It became of importance to determine upon what principle the officers of Government should be paid.

He did not intend to investigate the motives of gentlemen who were so desirous of keeping down the salaries of the officers of Government; he could not suppose they acted from unworthy principles. It was a well-known fact, that in all popular assemblies, the disposition to withhold grants of money was notorious. Perhaps it was proper; it was doubtless a fence against wasteful expenditure, nor did he wish to break it down; but when the gentleman from Virginia called upon them to attend to the feelings of the people, he thought it was necessary to remind the Committee that they ought also to attend to the interests of the people, and he believed it was for the common interest of the people that persons selected for office should be fit and proper to fill their respective offices. And it was a fact, that from the dispersedness of the population of the country, and from other circumstances, there was great difficulty in finding suitable persons to fill the offices of Government. In other countries, Mr. A. said, where their Governments had been of long standing, persons were trained up with a view to public employments; but in this country this had not been the case, and, therefore, the PRESIDENT found the circle from which to select proper characters for office was very confined. It was, therefore, the more necessary that such an allowance should be made to officers of Government as should induce fit persons to accept of them; such as (to use a vulgar but strong expression) would *command the market*. Five hundred dollars, more or less, was nothing when compared with fitness for office. He said he had already laid it down as a principle, that the rate of salary should be such as to command men of talents and of character, for these the interest of the country required.

Mr. A. said, he knew the feelings of the people were soon roused when money was the object; but he was surprised the gentleman from Virginia should have attributed to gentlemen from the Eastward a desire to introduce a splendor of office into the Government. This spirit, he thought, was full as likely to come from the Southward as from the Eastward. He thought they were as economical and as just in the Eastern as in the Southern States; and he thought the remark could have been made with as little sincerity as propriety.

Had it been understood, was it believed, said Mr. A., that a splendor of office had been introduced into our Government? How did facts corroborate the assertion? Had their officers even stood upon an equality with others in the line of life in which they moved? Had any officer of theirs been able to lay up an estate for his family? Or were they not rather obliged to walk on foot, while those with whom they associated rode in their coaches? They were even, comparatively speaking, without a dollar, whilst gentle-

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men, living upon their professions, were rich. On this account, he said, there had always been an unwillingness to accept of offices of Government by persons best calculated to fill them. These were facts, and he spoke them with audible voice; yet it was wonderful that, at a moment when their officers might be said to be in want, they were reproached with living in luxury and extravagance.

Having disposed of this subject, and given the observations upon it all the credit they deserved, he would inquire why they should expect gentlemen to undertake the offices of Government which would not allow them to live in an equally comfortable manner to that in which they had been accustomed to live? He despised the idea of endeavoring to make the people believe that their public officers lived in splendor, and on that account to hold them up to the hatred of our citizens; but could it be supposed that a person who undertook a public office should descend from that style or living to which he had been used, because some gentlemen chose to call it splendid? Or, was there any reason that such a man should immediately begin to eat brown bread, though heretofore he had always eaten white?

Another suggestion had been made, that the present high price of living had been increased, and depended upon the duties on imposts, and therefore it was an evil arising from indirect taxation. Though there might be some ground for this observation, it by no means went to the extent to which it had been pushed. He would ask, for instance, whether the broadcloth upon which a coat was made cost materially more now than before the impost of 15 or 16 per cent. was laid upon it? He believed not; but every one knew that the produce of the farmer was double in price to what it was when these salaries were fixed, and they ought, therefore, to be advanced in proportion. And were the people unprepared for an advance in the salaries of the officers of Government? He believed not. He believed most of the States, on account of the increased price of living, had increased the pay of their officers. Why, then, said he, should the officers of the United States be unattended to? And were they to suppose that the advance now proposed would be a thing improper for the House to agree to, when they had last session judged a like advance a proper one? As to the observation of the gentleman from Maryland, [Mr. SMITH,] that he did not wish to raise one officer and not another, he should take a different course from that which that gentleman proposed to adopt. He would vote for an advance of those which came before him, and do the same to others when he should have an opportunity.

Mr. WILLIAMS hoped the proposed advance would take place, as these two Loan Offices did three-fourths of the business of all the Loan Offices in the Union.

Mr. HARTLEY said, however willing he might be to strike out what related to an additional allowance to Loan Officers, he should be against striking out what related to the clerks. There was great difficulty, he believed, to retain clerks. Bank-

ers and merchants giving larger salaries, they were naturally drawn from these offices. He did not wish to give large salaries, but he wished to make them reasonable and competent.

Mr. RUTHERFORD said, he should not follow the gentleman from Massachusetts [Mr. AMES] through his field of declamation. But he seemed to have set him up in very disagreeable colors to the people, to this great Confederation, and it was necessary he should say a few words in reply. He said he revered the people; he never found reason to do otherwise. He was for keeping things in their due simplicity, and by no means to add to salaries. He could not think of giving the honey from the hive, the marrow from the bones of the people. He was for holding tight the purse-strings of six or seven millions of respectable people; he could not think of lavishing the precious article of money, however his caution might displease the gentleman from Massachusetts.

Mr. NICHOLAS said, he should be sorry to dispute the point with his colleague for the honor of being noticed by the gentleman from Massachusetts; but he believed there could be but little doubt that the gentleman had pointed the chief of his observations at him.

It was no unusual thing, Mr. N. said, for that gentleman to make the fact, from which he chose to draw his conclusions. And he was astonished to hear that the oratorical powers for which that gentleman was famed, should have been employed upon a basis not true. For he neither had said that the Eastern States had fixed the salaries of Government with a view to splendor, nor that their officers were rioting in wealth, in order to insult their poverty. With respect to the original establishment of salaries, he did not know that there had been a struggle in the business. If the gentleman had a consciousness of the fact, he knew nothing of it. With respect to the present salaries, he had not said they were too high, but he had doubted their being sufficient. He said, indeed, that when the offices were established, they were established with too great a view to splendor; but, that from the change which had taken place in the value of money, instead of riding in coaches, their officers had learnt to be satisfied without them. This difference (as he had before observed) was not, he believed, more owing to the change which had taken place in the value of money than to a change of public opinion in favor of that plainness of manners which was so well suited to the Republican character.

Mr. N. asked, where they were to get the money now wanted, viz: an annual sum of \$1,400,000? He knew pretty well the taxation which the people of this country would be inclined to bear, and he knew that the raising of that sum would be very sensibly felt. Did gentlemen rely, he asked, upon the small majority of ten votes, on the passing of a system of direct taxation? He believed there was great danger, when the bill came in, that the manner of collecting the tax could not be made agreeable to at least that number of members who voted for a bill to be brought in. Had not the gentleman from Massachusetts

resisted taxation? He had; and though the opposers of the system of direct taxes had been frequently called upon to produce their substitutes for a direct tax, no substitute had been brought forward, except that produced by the gentleman from South Carolina; and he believed the Secretary of the Treasury had given it as his opinion that a very small sum only could be raised from a further extension of indirect taxes, if prudence did not forbid the attempt. As he wished, therefore, for expenses to follow, and not precede the funds which were to pay them, he should be opposed to all increase of expense which could be avoided.

Mr. N. said, he was not sensible of the difference which existed between the country which the gentleman from Massachusetts came from and his own. He defied that gentleman to show any part of the country in which greater economy was practised, or where the revenue and expenditure were better attended to. It was so much so, that the debt, which had given the gentleman ground to make his antiquated charge, had been extinguished. No part of the United States paid more respect to its engagements, nor had better ability to pay their debts. He did not, therefore, feel the gentleman's insinuation, though he had condescended to answer it. He denied the truth of it.

Mr. SWANWICK said, he should not have risen again on this subject, had he not wished to have made a single remark on what had fallen from the gentleman from Massachusetts [Mr. AMES] on the subject of indirect taxes. That gentleman had said, suppose broadcloth paid 15 or 16 per cent. impost, would it materially affect the price of a coat? If it did not, Mr. S. said, there must be something very wrong in the commercial system; for certainly a duty of 15 or 16 per cent., with the profits upon it, would not make a difference of much less than 25 per cent. The gentleman seemed to think that indirect taxes had not much effect upon salaries, but that the price of living was what principally called for an advance of salaries. But if he had traced indirect taxation to its source, he would have found that it operated more than he was aware of upon every necessary of life. The house in which we live, said Mr. S., is an object of labor, and the person who built it did not fail to charge the taxes which he paid, upon his labor, and the owner of the house would of course be obliged to lay a rent accordingly. So with respect to the produce from the country. The farmer pays 25 per cent. more than he used to do for every article he purchases and for his labor, and he must therefore increase the price of his produce. Whilst the farmer finds a ready market for his articles, he does not feel this; but whenever markets fall, (and he did not think they would always remain so high as at present,) then the farmer will feel the evil of indirect taxes. He thought it necessary to make this remark upon the sentiment to which he had alluded.

Mr. DAYTON said, that the question before them seemed to him to be a fitter subject for cool, dispassionate calculation, than for animated declamation, which rather unfitted than prepared the

mind for a right decision. The arguments of those gentlemen who advocated the increase of salaries of the two Loan Officers in question, were of two kinds, viz: the greatly enhanced price of every article of consumption, and the increased duties in the offices respectively. As to the former, if it was to have any influence, it should operate more generally, and, instead of producing this partial provision, should lead to an augmentation of the compensations of all the Commissioners of Loans whose salaries were determined at the same time. In respect to the other reason which had been assigned, viz: the accumulation of duties, he viewed it as rather calling upon Congress to adjust the whole scale of compensations anew, than to take up the subject in the partial manner that it appeared before them. If it were true that the duties in some offices were increased, it would certainly follow that those of other offices were diminished in like proportion; and if, as some of the advocates for the proposed augmentation argued, the sum of labor, duty, and risk were to be the measure of compensation, then the salaries must be diminished in the one case, while they were augmented in the other. More than half of the interest of the Public Debt was paid at the Treasury of the United States, and it was well known that the general current transfers, instead of setting from the Treasury to the different Loan Offices and thus adding to their business, had taken an opposite direction, and thus considerably lessened it. He would not be understood to say, that the salaries were in every instance adequate, but, on the contrary, he believed that they were in some cases too low, and in others (particularly where perquisites were annexed) that they were exorbitantly high, and of course that a strict examination should be had, and a new scale adjusted, which would render compensations more adequate and equal, without any additional expense to the public. Whilst he was upon the floor, Mr. D. said that he should take the liberty of correcting the error into which several gentlemen had fallen, who had adduced the sums paid at each office, as the evidence of the relative quantum of business and of risk. The payment of ten cents was, he said, as troublesome, and required as many receipts and as much writing as ten dollars, and therefore not the sums paid, but the number of payments, would afford the only just criterion for ascertaining the relative extent of business. As to the risk of cash-keeping, to which it was said they who paid most were most subjected, it would be remembered, that the Loan Officers residing in the great cities were entirely freed from it by the agency of the banks, which were always for them sure places of deposit, and the cashiers were their paymasters. They therefore, who were thus situated, incurred less risk and trouble in the payment of two hundred thousand dollars, than other Loan Officers who resided in country towns not possessing the same advantages, incurred by the charge of safe-keeping and payment of twenty thousand dollars. In short, every argument which had been used, tended, in his opinion, to prove the impolicy and

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inequality which would be the inevitable consequence of the adoption of this part of the report, which he hoped would not be agreed to.

The question for striking out the clause was put and carried, 61 being in favor of it.

The Committee rose and reported the amendments, when the House took them up. The first being under consideration,

Mr. W. LYMAN moved to strike out the whole clause. He should not repeat his reasons for this motion, as he had before stated his objections to this clause to the Committee. He would mention one observation which had not been noticed by any one, which was, that the Attorney General was not precluded from any other business, which was not the case with the other officers of Government. So far from the appointment being an injury to him as a professional man, he believed it was the greatest recommendation which he could have, particularly to strangers who would conclude they might safely trust one whom Government had thus distinguished. He thought, therefore, that there was no argument in favor of advancing his salary which would not equally apply to every other officer of Government. This was an unfortunate time to propose an advance of salaries, when the revenues were so much embarrassed; but if this was not the case, he believed things would soon run to their former situation, and the rate of living become as reasonable as heretofore.

Mr. NICHOLAS said, he had no connexion with this gentleman which would induce him to wish for an advance of his salary, if he were not convinced it was just and reasonable. He knew, from certain information, that when the receipts of his private business were added to his salary, they did not make his income equal to the other Heads of Departments.

Mr. MURRAY said, the remarks of the gentleman from Massachusetts had truly thrown great light upon the subject. It had been made, he believed, fifty times; it was neither any thing new or striking. The experience of two gentlemen, who had filled the office of Attorney General, Mr. M. said, was a very important one; the Attorney General had not only to decide upon questions put to him by the PRESIDENT OF THE UNITED STATES, but also by Congress. The report which he made last session, a copy of which had been called for this session, was alone worth one-half of his salary to any bookseller; yet this was extra business, and they were frequently calling upon him for reports.

The Attorney General, he said, ought not only to have an increase of salary, but also an office, and a clerk, if not a door-keeper; for he was obliged to keep a servant to return answers to messages sent to him. He hoped the motion would not prevail. They were not to expect petitions from these officers for advances to their salaries; such a thing might, perhaps, be gratifying to some gentlemen, but, he thought, it would not be very honorable to the Government.

Mr. S. SMITH thought his colleague had not sufficiently attended to the arguments of the gen-

tleman from Massachusetts. He had said he might do other business; by which he supposed he meant he might keep a shop, or turn broker!

Mr. SITGREAVES called for the yeas and nays on the question to strike out the following words, viz: "That, in the opinion of the Committee, the compensations allowed by law to the Secretary of War and the Attorney General ought to be augmented, by an additional compensation of five hundred dollars per annum, to each of the said officers; and to commence on the first day of January, one thousand seven hundred and ninety-seven:" it passed in the negative—yeas 39, nays 49, as follows:

YEAS.—Thomas Blount, Nathan Bryan, Samuel J. Cabell, Thomas Claiborne, John Clopton, Isaac Coles, William Findley, Jesse Franklin, Albert Gallatin, William B. Giles, James Gillespie, Andrew Gregg, William B. Grove, George Hancock, John Hathorn, Jonathan N. Havens, Thomas Henderson, James Holland, Andrew Jackson, George Jackson, Aaron Kitchell, Matthew Locke, William Lyman, Samuel Maclay, Nathaniel Macon, John Milledge, Anthony New, Alexander D. Orr, Josiah Parker, Robert Rutherford, John S. Sherburne, Thompson J. Skinner, Jeremiah Smith, William Strudwick, John Swanwick, Mark Thompson, Joseph B. Varnum, Abraham Venable, and Richard Winn.

NAYS.—Fisher Ames, Theodorus Bailey, Abraham Baldwin, Theophilus Bradbury, Daniel Buck, Dempsey Burges, Gabriel Christie, Joshua Coit, William Cooper, William Craik, Samuel W. Dana, James Davenport, Henry Dearborn, George Dent, Abiel Foster, Dwight Foster, Nathaniel Freeman, junior, Ezekiel Gilbert, Henry Glen, Chauncey Goodrich, Roger Griswold, Carter B. Harrison, Thomas Hartley, William Hindman, John Wilkes Kittera, Samuel Lyman, Andrew Moore, Frederick A. Muhlenberg, William Vans Murray, John Nicholas, John Page, John Patton, Elisha R. Potter, John Reed, John Richards, Samuel Sewall, Samuel Sitgreaves, Nathaniel Smith, Israel Smith, Isaac Smith, Samuel Smith, William Smith, Richard Sprigg, junior, Zephaniah Swift, George Thatcher, Richard Thomas, John E. Van Allen, Peleg Wadsworth, and John Williams.

And then the question being taken, that the House do agree with the Committee of the Whole House in their amendment, to the said first clause, for striking out the words "Secretary of War and:" it was resolved in the affirmative—yeas 51, nays 39, as follows:

YEAS.—Theodorus Bailey, Abraham Baldwin, Thomas Blount, Nathan Bryan, Daniel Buck, Dempsey Burges, Samuel J. Cabell, Thomas Claiborne, John Clopton, Isaac Coles, William Findley, Jesse Franklin, Nathaniel Freeman, junior, Albert Gallatin, William B. Giles, James Gillespie, Andrew Gregg, William B. Grove, Wade Hampton, George Hancock, Carter B. Harrison, John Hathorn, Jonathan N. Havens, Thomas Henderson, James Holland, Andrew Jackson, George Jackson, Aaron Kitchell, Matthew Locke, William Lyman, Samuel Maclay, Nathaniel Macon, John Milledge, Andrew Moore, Frederick A. Muhlenberg, Anthony New, Alexander D. Orr, Josiah Parker, John Richards, Robert Rutherford, John S. Sherburne, Thompson J. Skinner, Israel Smith, William Strudwick, John Swanwick, George Thatcher, Richard Thomas, Mark Thomp-

son, Joseph B. Varnum, Abraham Venable, and Richard Winn.

NAVS.—Fisher Ames, Theophilus Bradbury, Gabriel Christie, Joshua Coit, William Cooper, William Craik, Samuel W. Dana, James Davenport, Henry Dearborn, George Dent, Abiel Foster, Dwight Foster, Ezekiel Gilbert, Henry Glen, Chauncey Goodrich, Roger Griswold, Robert Goodloe Harper, Thomas Hartley, William Hindman, John Wilkes Kittera, Samuel Lyman, William Vans Murray, John Nicholas, John Page, John Patton, Elisha R. Potter, John Reed, Samuel Sewall, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, Isaac Smith, Samuel Smith, William Smith, Richard Sprigg, junior, Zephaniah Swift, John E. Van Allen, Peleg Wadsworth, and John Williams.

The next amendment reported by the Committee of the Whole House, for striking out the second clause of the said report, in the words following, to wit :

“That, in the opinion of the Committee, an addition of salary, for the year one thousand seven hundred and ninety-seven, ought to be allowed to each of the following officers, viz: The Secretary of State, the Secretary of the Treasury, the Secretary of the Department of War, the Attorney General, the Postmaster General, the Treasurer, the Comptroller of the Treasury, the Commissioner of the Revenue, the Auditor, the Register, the Assistant Postmaster General, and the Keeper of Military Stores; and that such addition of salary ought to be at the rate of twenty-five cent. on the amount of the present compensation allowed by law, to each of the said officers, respectively,”

being about to be put—

Mr. MURRAY said, though he wished not implicit confidence to be placed in the opinion of the PRESIDENT, yet he thought his having recommended this subject to their consideration ought to have some weight. No gentleman, he believed, would say that three thousand five hundred dollars was too high a salary for Heads of Departments in 1789, when they were settled. The Secretary of War, indeed, had only three thousand dollars. He believed if gentlemen compared the value of money now to the value of it then, it would be found that a sum would not purchase more than one-half now of what it would then have purchased. It was a dull thing, from having been so often repeated, to say that every necessary of life was advanced from fifty per cent. to one hundred per cent., and house rent in the same ratio: so that, in fact, a salary of three thousand five hundred dollars now, is only half what it was when it was fixed. And gentlemen from distant parts of the country, who think three thousand five hundred dollars a handsome sum for an annual income with them, when they recollect the price of living in Philadelphia, will at once see its inadequacy for a decent living for the officers of the Heads of Departments of our Government.

The consequence of this lowness of salary, is, Mr. M. said, either the officers leave their situations, or encroach upon their private fortunes. This was discouraging to the pride of character. You, by this means, put men in a dangerous situation. You do more, you set a precedent for a future Congress. At present, you have men of honor; but, by this means, you may retrograde from the cha-

racter of office; you may drive first one corps of gentlemen from office and then another, until you force the PRESIDENT into the situation of filling the public offices with such persons as shall be willing to accept them, and not with such as shall be most fit to fill them. And what, said Mr. M., would you get in exchange for men of real pride of character? You would get men who would re-echo the sentiment which was frequently seen in the papers, and which was sometimes heard in that House, that there was a Republican mode of life! that it became a Republican Government, that their public officers should live with great economy, and with great austerity of life. You would meet with men also who would re-echo this sentiment, and who would live in the greatest style of simplicity; but you would mostly find lurking under this character designs of the basest kind; and, as a reward for this kind of penance, they would probably take care of themselves. He believed this would be the result; hypocrites would take the place of men of talents, and the public officers of Government would become contemptible. The PRESIDENT OF THE UNITED STATES would, of course, be chosen from amongst the highest characters in the nation, because chosen by the people at large, and because the salary is not contemptible; but the Executive would become low in estimation; and by degrees, such a conduct would go near to oversetting the Government itself. Mr. M. therefore cautioned the House against a refusal to advance the salaries before them.

The question was then put and agreed to—yeas 57, nays 32, as follows:

YEAS.—Theodorus Baily, Abraham Baldwin, Thomas Blount, Nathan Bryan, Daniel Buck, Dempsey Burges, Samuel J. Cabell, Gabriel Christie, Thomas Claiborne, John Clopton, Isaac Coles, Samuel W. Dana, William Findley, Jesse Franklin, Nathaniel Freeman, jr., Albert Gallatin, William B. Giles, James Gillespie, Christopher Greenup, Andrew Gregg, William B. Grove, Wade Hampton, George Hancock, Carter B. Harrison, John Hathorn, Jonathan N. Havens, Thomas Henderson, James Holland, Andrew Jackson, George Jackson, Aaron Kitchell, Matthew Locke, William Lyman, Samuel Maclay, Nathaniel Macon, John Milledge, Andrew Moore, Anthony New, John Nicholas, Alexander D. Orr, Josiah Parker, John Patton, Elisha R. Potter, John Richards, Robert Rutherford, John S. Sherburne, Thompson J. Skinner, Israel Smith, Richard Sprigg, jr., William Strudwick, John Swanwick, George Thatcher, Richard Thomas, Mark Thompson, Joseph B. Varnum, Abraham Venable, and Richard Winn.

NAYS.—Fisher Ames, Theophilus Bradbury, Joshua Coit, William Cooper, William Craik, Henry Dearborn, George Dent, Abiel Foster, Dwight Foster, Ezekiel Gilbert, Henry Glen, Chauncey Goodrich, Roger Griswold, Robert Goodloe Harper, Thomas Hartley, William Hindman, John Wilkes Kittera, Samuel Lyman, Francis Malbone, William Vans Murray, John Page, John Reed, Samuel Sewall, Samuel Sitgreaves, Jeremiah Smith, Isaac Smith, Samuel Smith, William Smith, Zephaniah Swift, John A. Van Allen, Peleg Wadsworth, and John Williams.

The last amendment, reported by the Committee of the Whole House, for striking out the

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last clause of the said report, in the words following, to wit:

"That, in the opinion of the Committee, an additional compensation ought to be made for the year one thousand seven hundred and ninety-seven, to each of the Loan Officers of the States of Massachusetts and New York; and that each of the said officers ought to be allowed the further sum of three hundred and seventy-five dollars, for the present year; and, likewise, three hundred dollars, to be distributed, at their discretion, among the clerks in their respective offices, in addition to the compensations heretofore allowed by law, to the said clerks; and that the sum of one hundred and twenty dollars, ought to be allowed to the Loan Officer of the State of Pennsylvania, to be in like manner distributed among the clerks in his office, for the present year"—

was, on the question put thereupon, agreed to by the House—yeas 60, nays 27, as follows:

YEAS.—Theodorus Bailey, Abraham Baldwin, Thomas Blount, Nathan Bryan, Daniel Buck, Dempsey Burges, Samuel J. Cabell, Gabriel Christie, Thomas Claiborne, John Clopton, Joshua Coit, Isaac Coles, Samuel W. Dana, George Dent, William Findley, Jesse Franklin, Nathaniel Freeman, jr., Albert Gallatin, William B. Giles, James Gillespie, Christopher Greenup, Andrew Gregg, William Barry Grove, Wade Hampton, George Hancock, Carter B. Harrison, John Hathorn, Jonathan N. Havens, Thomas Henderson, James Holland, Andrew Jackson, George Jackson, Aaron Kitchell, Matthew Locke, William Lyman, Samuel Maclay, Nathaniel Macon, John Milledge, Andrew Moore, Anthony New, John Nicholas, Alexander D. Orr, Josiah Parker, John Reed, John Richards, Robert Rutherford, Jeremiah Smith, Israel Smith, Isaac Smith, Samuel Smith, Richard Sprigg, jun., William Strudwick, John Swanwick, Zephaniah Swift, George Thatcher, Richard Thomas, Mark Thompson, Joseph B. Varnum, Abraham Venable, and Richard Winn.

NAYS.—Fisher Ames, Theophilus Bradbury, William Craik, Denry Dearborn, Abiel Foster, Dwight Foster, Ezekiel Gilbert, Henry Glen, Chauncey Goodrich, Roger Griswold, Robert Goodloe Harper, Thomas Hartley, William Hindman, John Wilkes Kittera, Samuel Lyman, Francis Malbone, William Vans Murray, John Page, John Patton, Samuel Sewall, John S. Sherburne, Samuel Sitgreaves, William Smith, John E. Van Allen, Peleg Wadsworth, and John Williams.

And then, the main question being taken that the House do agree with the Committee of the Whole in the said report, amended to read as follows:

"That, in the opinion of the Committee, the compensation allowed by law to the Attorney General, ought to be augmented, by an additional compensation of five hundred dollars per annum, and to commence on the first day of January, one thousand seven hundred and ninety-seven."

"That, in the opinion of the Committee, the act entitled 'An act to regulate the compensation of clerks,' passed the thirtieth of May, one thousand seven hundred and ninety-six, ought to be continued during the year one thousand seven hundred and ninety-seven, and no longer."

On a division of the House, it was resolved in the affirmative—yeas 45, noes 34.

Ordered, That a bill or bills be brought in, pur-

suant to the said report, as amended, and that Mr. DEARBORN, Mr. PAGE, and Mr. DAVENPORT, do prepare and bring in the same.

APPROPRIATIONS FOR 1797.

The House then resolved itself into a Committee of the Whole, on the subject of appropriations for the year 1797, when the article which relates to the contingent expenses of the two branches of the Legislature, amounting to twelve thousand dollars, being read,

Mr. BALDWIN said, he had often before made the remark, (and he thought it not unseasonable now to repeat it,) that the House was too apt to be merely formal and superficial in passing on the general estimate for the year. He was sorry to observe that this item had within this year or two been considerably increased; he believed the price of wood, stationery, and other articles purchased for the session, was now much the same as in 1795, though the Printer's bills might be higher, yet, as the session would be but three months, he thought the sum allowed for 1795 would be sufficient. He had always thought this charge for the contingencies of the two Houses, one of the strongest instances of that kind of loose economy which it has been complained, and perhaps with too much justice, pervades all the operations of the Federal Government—we have often been reminded that, to make an expedition into the woods to an Indian town, or to build a frigate, or to coin one hundred tons of copper, costs us a great deal more than it ever did any other Government in this country. If this is a strong instance of that style of economy, let us begin the reformation with ourselves, and not be so prodigal this year in our contingent expense; our circumstances calls on us for greater attention to economy. He was sensible the place for correcting these evils was ordinarily on passing the law authorizing the expense, and not on the appropriation for the payment of it; but this item, and many others, depended on no law—changing the sum in the estimate will control the expense. If any one will take the trouble of looking over the vouchers on which these accounts have been settled for past years, he will see that there is room for more economy. One branch of the Legislature consists of about thirty members—four thousand dollars is a great sum for the purchase of their wood, quills, and paper, and for furnishing them with copies of business under consideration. Is it possible that twelve thousand dollars can be necessary for the two Houses? The whole yearly expenses of some of the State Governments do not amount to a much greater sum—he hoped this would be struck out, and the sum which was allowed for 1795, and some preceding years, be inserted.

Mr. SMITH presumed the estimate was founded upon information received from the Secretary of the Senate and the Clerk of that House. He did not conceive it would make any difference in the expenditure, whether a larger or smaller sum be appropriated; as he did not suppose the Senate or that House would print the less because a less sum was appropriated. The gentleman, he said, might,

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by his speech, give an idea to the public, that this would be a saving of so much money; but it would, in reality, make no difference.

After a few observations from other members, the question was put and negatived—37 to 30.

The Committee then rose, and had leave to sit again. And the House adjourned till Monday.

MONDAY, January 30.

GEORGE LEONARD, from Massachusetts, appeared and took his seat.

Mr. S. SMITH, from the committee appointed to bring in a bill to alter and amend the act for ascertaining and fixing the Military Establishment, reported a bill, which was twice read, and ordered to be committed to a Committee of the Whole on Wednesday next.

A report was made by Mr. NICHOLAS and read from the committee appointed to inquire into the progress made in the sale of lands Northwest of the river Ohio and above the mouth of Kentucky river. The report was twice read, and referred to a Committee of the Whole.

Mr. SWANWICK moved, that the Committee of the Whole should be discharged from the further consideration of the bill relative to certain officers, collectors of duties and tonnage, as to additional compensation. This was, that it might be referred back to the Committee of Commerce and Manufactures. This was done accordingly.

Mr. SWANWICK, from the Committee of Commerce and Manufactures, made a report on the memorial of Richard D'Cantillon and Daniel Lefferts, owners of a ship which had been sold under execution, through the want of a register, which had been lost, and a new one could not be obtained, without delivering the old one up; on account of this, they reported the following resolution:

Resolved, That provision be made by law for granting certificates of registry, enrollment, and licenses, without surrendry of the old ones, in certain cases on sales, by proof of law, of any ship or vessel."

Ordered, That a bill or bills be brought in accordingly by the Committee of Commerce and Manufactures.

MANUMITTED SLAVES.

Mr. SWANWICK presented the following petition:

To the President, Senate, and House of Representatives.

The Petition and Representation of the under-named Freemen, respectfully sheweth:—

That, being of African descent, late inhabitants and natives of North Carolina, to you only, under God, can we apply with any hope of effect, for redress of our grievances, having been compelled to leave the State wherein we had a right of residence, as freemen liberated under the hand and seal of humane and conscientious masters, the validity of which act of justice, in restoring us to our native right of freedom, was confirmed by judgment of the Superior Court of North Carolina, wherein it was brought to trial; yet, not long after this decision, a law of that State was enacted, under which

men of cruel disposition, and void of just principle, received countenance and authority in violently seizing, imprisoning, and selling into slavery, such as had been so emancipated; whereby we were reduced to the necessity of separating from some of our nearest and most tender connexions, and of seeking refuge in such parts of the Union where more regard is paid to the public declaration in favor of liberty and the common right of men, several hundreds, under our circumstances, having, in consequence of the said law, been hunted day and night, like beasts of the forest, by armed men with dogs, and made a prey of as free and lawful plunder. Among others thus exposed, I, Jupiter Nicholson, of Perquimans county, North Carolina, after being set free by my master, Thomas Nicholson, and having been about two years employed as a seaman in the service of Zachary Nickson, on coming on shore, was pursued by men with dog and arms; but was favored to escape by night to Virginia, with my wife, who was manumitted by Gabriel Cosand, where I resided about four years in the town of Portsmouth, chiefly employed in sawing boards and scantling; from thence I removed with my wife to Philadelphia, where I have been employed, at times, by water, working along shore, or sawing wood. I left behind me a father and mother, who were manumitted by Thomas Nicholson and Zachary Dickson; they have been since taken up, with a beloved brother, and sold into cruel bondage.

I, Jacob Nicholson, also of North Carolina, being set free by my master, Joseph Nicholson, but continuing to live with him till, being pursued day and night, I was obliged to leave my abode, sleep in the woods, and stacks in the fields, &c., to escape the hands of violent men who, induced by the profit afforded them by law, followed this course as a business; at length, by night, I made my escape, leaving a mother, one child, and two brothers, to see whom I dare not return.

I, Job Albert, manumitted by Benjamin Albertson, who was my careful guardian to protect me from being afterwards taken and sold, providing me with a house to accommodate me and my wife, who was liberated by William Robertson; but we were night and day hunted by men armed with guns, swords, and pistols, accompanied with mastiff dogs; from whose violence, being one night apprehensive of immediate danger, I left my dwelling, locked and barred, and fastened with a chain, being at some distance from it, while my wife was by my kind master locked up under his roof. I heard them break into my house, where, not finding their prey, they got but a small booty, a handkerchief of about a dollar value, and some provisions; but, not long after, I was discovered and seized by Alexander Stafford, William Stafford, and Thomas Creevy, who were armed with guns and clubs. After binding me with my hands behind me, and a rope round my arms and body, they took me about four miles to Hartford prison, where I lay four weeks, suffering much for want of provision; from thence, with the assistance of a fellow-prisoner, (a white man,) I made my escape, and for three dollars was conveyed, with my wife, by a humane person, in a covered wagon by night, to Virginia, where, in the neighborhood of Portsmouth, I continued unmolested about four years, being chiefly engaged in sawing boards and plank. On being advised to move Northward, I came with my wife to Philadelphia, where I have labored for a livelihood upwards of two years, in Summer mostly, along shore in vessels and stores, and sawing wood in the Winter. My mother was set free by Phineas Nickson, my sister by John Trueblood, and

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both taken up and sold into slavery, myself deprived of the consolation of seeing them, without being exposed to the like grievous oppression.

I, Thomas Pritchett, was set free by my master Thomas Pritchett, who furnished me with land to raise provisions for my use, where I built myself a house, cleared a sufficient spot of woodland to produce ten bushels of corn; the second year about fifteen, and the third, had as much planted as I suppose would have produced thirty bushels; this I was obliged to leave about one month before it was fit for gathering, being threatened by Holland Lockwood, who married my said master's widow, that if I would not come and serve him, he would apprehend me, and send me to the West Indies; Enoch Ralph also threatening to send me to jail, and sell me for the good of the country: being thus in jeopardy, I left my little farm, with my small stock and utensils, and my corn standing, and escaped by night into Virginia, where shipping myself for Boston, I was, through stress of weather landed in New York, where I served as a waiter for seventeen months; but my mind being distressed on account of the situation of my wife and children, I returned to Norfolk in Virginia, with a hope of at least seeing them, if I could not obtain their freedom; but finding I was advertised in the newspaper, twenty dollars the reward for apprehending me, my dangerous situation obliged me to leave Virginia, disappointed of seeing my wife and children, coming to Philadelphia, where I resided in the employment of a waiter upward of two years.

In addition to the hardship of our own case, as above set forth, we believe ourselves warranted, on the present occasion, in offering to your consideration the singular case of a fellow-black now confined in the jail of this city, under sanction of the act of General Government, called the Fugitive Law, as it appears to us a flagrant proof how far human beings, merely on account of color and complexion, are, through prevailing prejudice, outlawed and excluded from common justice and common humanity, by the operation of such partial laws in support of habits and customs cruelly oppressive. This man, having been many years past manumitted by his master in North Carolina, was under the authority of the aforementioned law of that State, sold again into slavery, and, after having served his purchaser upwards of six years, made his escape to Philadelphia, where he has resided eleven years, having a wife and our children; and, by an agent of the Carolina claimer, has been lately apprehended and committed to prison, his said claimer, soon after the man's escaping from him, having advertised him, offering a reward of ten silver dollars to any person that would bring him back, or five times that sum to any person that would make due proof of his being killed, and no questions asked by whom.

We beseech your impartial attention to our hard condition, not only with respect to our personal sufferings, as freemen, but as a class of that people who, distinguished by color, are therefore with a degrading partiality, considered by many, even of those in eminent stations, as unentitled to that public justice and protection which is the great object of Government. We indulge not a hope, or presume to ask for the interposition of your honorable body, beyond the extent of your Constitutional power or influence, yet are willing to believe your serious, disinterested, and candid consideration of the premises, under the benign impressions of equity and mercy, producing upright exertion of what is in your power, may not be without some salutary

effect, both for our relief as a people, and towards the removal of obstructions to public order and well-being.

If, notwithstanding all that has been publicly avowed as essential principles respecting the extent of human right to freedom; notwithstanding we have had that right restored to us, so far as was in the power of those by whom we were held as slaves, we cannot claim the privilege of representation in your councils, yet we trust we may address you as fellow-men, who, under God, the sovereign Ruler of the Universe, are intrusted with the distribution of justice, for the terror of evil-doers, the encouragement and protection of the innocent, not doubting that you are men of liberal minds, susceptible of benevolent feelings and clear conception of rectitude to a catholic extent, who can admit that black people (servile as their condition generally is throughout this Continent) have natural affections, social and domestic attachments and sensibilities; and that, therefore, we may hope for a share in your sympathetic attention while we represent that the unconstitutional bondage in which multitudes of our fellows in complexion are held, is to us a subject sorrowfully affecting; for we cannot conceive their condition (more especially those who have been emancipated and tasted the sweets of liberty, and again reduced to slavery by kidnappers and man-stealers) to be less afflicting or deplorable than the situation of citizens of the United States, captured and enslaved through the unrighteous policy prevalent in Algiers. We are far from considering all those who retain slaves as wilful oppressors, being well assured that numbers in the State from whence we are exiles, hold their slaves in bondage, not of choice, but possessing them by inheritance, feel their minds burdened under the slavish restraint of legal impediments to doing that justice which they are convinced is due to fellow-rationals. May we not be allowed to consider this stretch of power, morally and politically, a Governmental defect, if not a direct violation of the declared fundamental principles of the Constitution; and finally, is not some remedy for an evil of such magnitude highly worthy of the deep inquiry and unfeigned zeal of the supreme Legislative body of a free and enlightened people? Submitting our cause to God, and humbly craving your best aid and influence, as you may be favored and directed by that wisdom which is from above, where-with that you may be eminently dignified and rendered conspicuously, in the view of nations, a blessing to the people you represent, is the sincere prayer of your petitioners.

JACOB NICHOLSON,
JUPITER NICHOLSON, his mark,
JOB ALBERT, his mark,
THOMAS PRITCHETT, his mark.

PHILADELPHIA, January 23, 1797.

The petition being read—

Mr. SWANWICK said, he hoped it would be referred to a select committee.

Mr. BLOUNT hoped it would not even be received by the House. Agreeably to a law of the State of North Carolina, he said they were slaves, and could, of course, be seized as such.

Mr. THATCHER thought the petition ought to be referred to the Committee on the Fugitive Law. He conceived the gentleman much mistaken in asserting these petitioners to be absolute slaves. They state that they *were* slaves, but that their masters manumitted them, and that their manumissions were sanctioned by a law of that State,

but that a subsequent law of the same State, subjected them to slavery; and if even there was a law that allowed them to be taken and sold into slavery again, he could not see any propriety in refusing their petition in that House—THEY CERTAINLY (said Mr. T.) ARE FREE PEOPLE. It appeared they were taken under the fugitive act, which he thought ought not to affect them; they now came and prayed the House so to model that fugitive act, as to prevent its affecting persons of their description. He therefore saw great propriety in referring their petition to the committee appointed to amend that act in another part; they could as well consider its relation to the present case. He could not see how there would be a propriety in rejecting their petition; they had an undoubted right to petition the House, and to be heard.

Mr. SWANWICK was surprised at the gentleman from North Carolina [Mr. BLOUNT] desiring to reject this petition; he could not have thought, nor could he indulge the suspicion now, that the gentleman was so far from acknowledging the rights of man, as to prevent any class of men from petitioning. If men were aggrieved, and conceive they have claim to attention, petitioning was their sacred right, and that right should never suffer innovation; whether the House ought to grant, was another question. The subject of their petition had a claim to the attention of the House. They state they were freed from slavery, but that they were much injured under a law of the United States. If a law was ever made that bore hard on any class of people, Mr. S. hoped that the door would never be shut to their complaints. If the circumstance respecting these people was as they stated, their case was very hard. He animadverted on the atrocity of that reward of ten dollars offered for one of them if taken alive, but that fifty should be given if found dead, and no questions asked. Was not this, he said, encouragement to put a period to that man's existence? Horrid reward! Could gentlemen hear it and not shudder?

Mr. BLOUNT said, the gentleman last up was mistaken in calling the petitioners free men; the laws of North Carolina, as he observed before, did not suffer individuals to emancipate their slaves, and he should wish to know what evidence there was to prove these men free, and except that was proved, the House had no right to attend to the petition.

Mr. SITGREAVES, in answer to the gentleman last up, said he would reverse his question, and ask what evidence he had to prove that these men are not freemen; can he prove they are slaves? They have stated that a law has been made in North Carolina with a view to affect their case, and bring them again into a worse slavery than before; they want to know whether they cannot obtain relief by their application to the Government of the United States. Under these circumstances, Mr. S. wished to know why their petitions should not be taken into consideration? Was there anything in these men, he asked, that should prevent every kind of assistance being bestowed

on them? Had they not an equal right to be heard with other petitioners? He hoped the House would not only give them a hearing, but afford them all the consolation of which their unfortunate case was susceptible. If the House were obliged, through a want of power to extend to the case, to object compliance with the prayers, yet, he hoped it would be done with all due tenderness; before hearing them, he thought it would be exceedingly unjust to decide. These people may produce documents sufficient to obtain favorable attention; therefore, it was impossible before they were heard to conceive whether the House could constitutionally grant relief or not. He could see no impropriety in referring it; the object of referring a case, was to inquire into facts; thus, the committee prepared the way for discussion in the House; and why the House should refuse to deliberate and discuss this case, he knew not.

Mr. HEATH was clearly convinced these people were slaves, and therefore hoped their petition would lie on the table. He would remind the gentleman that, if they undertook this business, they would soon have petitions enough of the same kind, and public business would be thereby prevented. It appeared to him to be more within the jurisdiction of the Legislature of that State; indeed, the United States had nothing to do with it.

Mr. MADISON said, he should be sorry to reject any petition whatever, in which it became the business of the House to attend; but he thought this case had no claim on their attention. Yet, if it did not come within the purview of the Legislative body, he thought, it might be suffered to lie on the table. He thought it a Judicial case, and could obtain its due in a Court of Appeal in that State. If they are free by the laws of North Carolina, they ought to apply to those laws, and have their privilege established. If they are slaves, the Constitution gives them no hopes of being heard here. A law has been passed to prevent the owners of those slaves emancipating them; it is therefore impossible that any relief can be granted. The petitioners are under the laws of North Carolina, and those laws cannot be the interpreters of the laws of the United States.

Mr. SITGREAVES said, he was not prepared to deny that this petition is in the situation the gentleman from Virginia [Mr. MADISON] states; nor was he prepared to prove that it came under the power of the General Government, but he could see no kind of reason why it should not be sent to a committee who should examine the case and report whether it required Legislative interference, or whether it was a subject of Judicial authority in the country whence the petitioners came. Many petitions, he said, were sent to the House, who referred them for investigation to a committee, and many had been reported as being under Judicial power only, and as such been rejected here. If this underwent the same order, and should be found to be of a Judicial nature, the committee would report so, and the House would honorably refuse it. This he thought the only just method.

Mr. RUTHERFORD concurred with the gentleman

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Manumitted Slaves.

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from Pennsylvania, that this memorial ought to be referred to a committee who would report whether these people had been emancipated, according to a law of the State of North Carolina, or not. The circumstances attending this case, he said, demanded a just and full investigation, and if a law did exist either to emancipate, or send these poor people into slavery, the House would then know. He doubted not, every thing just and proper would be done, but he hoped every due respect would be paid to the petition. In short, he was assured every member in the House would wish to act consistently. This case, from the great hardships represented in the petition, applied closely to the nicest feelings of the heart, and he hoped humanity would dictate a just decision.

Mr. GILBERT hoped the petition would be referred to the committee proposed; he thought it laid claim to the humanity of the House. He thought every just satisfaction should be given, and attention paid, to every class of persons who appeal for decision to the House.

Mr. W. SMITH said, the practice of a former time, in a similar case, was, that the petition was sealed up and sent back to the petitioners, not being allowed even to remain on the files of the office. This method, he said, ought to be pursued with respect to the present petition. It was not a matter that claimed the attention of the Legislature of the United States. He thought it of such an improper nature, as to be surprised any gentleman would present a petition of the kind. These men are slaves, and, he thought, not entitled to attention from that body; to encourage slaves to petition the House would have a tendency to invite continual applications. Indeed it would tend to spread an alarm throughout the Southern States; it would act as an "entering-wedge," whose consequences could not be foreseen. This is a kind of property on which the House has no power to legislate. He hoped it would not be committed at all; it was not a proper subject for Legislative attention. He was not of the opinion of some gentlemen, that the House were bound to sit on every question recommended to their notice. He thought particular attention ought to be paid to the lateness of the session; if this subject were to be considered, too much time of the House would be devoted which was much wanted on important business.

Mr. THATCHER said, he was in favor of referring this petition. He could see no reason which had been adduced to prove the impropriety of receiving a petition from these people. The gentleman from North Carolina [Mr. BLOUNT] is of the opinion that these people being slaves, the House ought not to pay attention to their prayer. This, he said, was quite new language—a system of conduct which he never saw the House practise, and hoped he never should. That the House should not receive a petition without an evidence to prove it was from a free man. This was a language which opposed the Constitutional freedom of every State where the Declaration of Rights had been made; they all declare that every man is born equally free, and that each have an equal

right to petition if aggrieved—this doctrine he never heard objected to.

The gentlemen from Virginia [Mr. MADISON and Mr. HEATH] had said, it was a Judicial and not a Legislative question; they say the petition proves it, and that it ought not to be attended to. Mr. T. said, he saw no proof whatever of the impropriety of the House receiving it. There might be some Judicial question growing out of the case; but that was no reason, because it might possibly undergo a Judicial course, that the General Government were not to be petitioned. The gentleman from South Carolina [Mr. SMITH] had said, "that this was a kind of property on which the House could not legislate;" but he would answer, this was a kind of property on which they were bound to legislate. The fugitive act could prove this authority; if petitions were not to be received they would have to legislate in the dark. It appeared plainly that these men were manumitted by their masters; and because a number of men who called themselves legislators should, after they had the actual enjoyment of their liberty, come forward and say that these men should not remain at liberty, and actually authorize their recaptivity, he thought it exceedingly unjust to deprive them of the right of petitioning to have their injuries redressed. These were a set of men on whom the fugitive law had no power, and he thought they claimed protection under the power of that House, which always ought to lean towards freedom. Though they could not give freedom to slaves, yet he hoped gentlemen would never refuse to lend their aid to secure freemen in their rights against tyrannical imposition.

Mr. CHRISTIE thought no part of the fugitive act operated against freedom. He thought no good could be derived from sending the petition to a committee; they could not prove whether they were slaves or not. He was much surprised any gentleman in the House should present such a petition. Mr. C. said, he was of the same opinion with the gentleman from South Carolina [Mr. SMITH] that the petition ought to be sent back again. He hoped the gentleman from Pennsylvania [Mr. SWANWICK] would never hand such another petition into the House.

Mr. HOLLAND said, the gentleman from Massachusetts [Mr. THATCHER] said, "the House ought to lean towards freedom." Did he mean to set all slaves at liberty, or receive petitions from all? Sure he was, that if this was received, it would not be long before the table would be filled with similar complaints, and the House might sit for no other purpose than to hear them. It was a Judicial question, and the House ought not to pretend to determine the point; why, then, should they take up time upon it? To put an end to it he hoped, it would be ordered to lie on the table.

Mr. MACON said, he had hearkened very closely to the observations of gentlemen on the subject, and could see no reason to alter his desire that it would not be committed. No man, he said, wished to encourage petitions more than himself and no man had considered this subject more. These men could not receive any aid from the General

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Government; but by application to the State, justice would be done them. Trials of this kind had very frequently been brought on in all the different Courts of that State, and had very often ended in the freedom of slaves; the appeal was fair, and justice was done. Mr. M. thought it a very delicate subject for the General Government to act on; he hoped it would not be committed; but he should not be sorry if the proposition of a gentleman [Mr. SMITH] was to take place, that it was to be sent back again.

Mr. W. SMITH observed, that a gentleman [Mr. THATCHER] had uttered a wish to draw these people from their state of slavery to liberty. Mr. S. did not think they were sent there to take up the subject of emancipation. When subjects of this kind are brought up in the House they ought to be deprecated as dangerous. They tended to produce very uncomfortable circumstances.

Mr. VARNUM said, the petitioners had received injury under a law of the United States, (the fugitive act) and not merely a law of North Carolina, and therefore, he thought, they had an undoubted right to the attention of the General Government if that act bore hard on them. They stated themselves to be freemen, and he did not see any opposition of force to convince the House they were not; surely it could not be said that color alone should designate them as slaves. If these people had been free, and yet were taken up under a law of the United States, and put into prison, then it appeared plainly the duty of the House to inquire whether that act had such an unjust tendency, and if it had, proper amendments should be made to it to prevent the like consequences in future. It required nothing more under that act than that the person suspected should be brought before a single magistrate, and evidence given that he is a slave, which evidence the magistrate could not know if distant from the State; the person may be a freeman, for it would not be easy to know whether the evidence was good, at a distance from the State; the poor man is then sent to his State in slavery. Mr. V. hoped the House would take all possible care that freemen should not be made slaves; to be deprived of liberty was more important than to be deprived of property. He could not think why gentlemen should be against having the fact examined; if it appears that they are slaves, the petition will of course be dismissed, but if it should appear they are free, and receive injury under the fugitive act, the United States ought to amend it, so that justice should be done.

Mr. BLOUNT said, admitting those persons who had been taken up were sent back to North Carolina, they would then have permission to apply to any of the Courts in the State for a fair trial of their plea; there are very few Courts in which some negroes have not tried this cause, and obtained their liberty. He agreed with the gentleman from Massachusetts, on the freedom of these men to procure their rights; it did not appear to him that they were free; true they had been set free, but that manumission was from their masters, who had not a right to set them free without permission of the Legislature.

Mr. KITCHELL could not see what objection could obtain to prevent these people being heard. The question was not now, whether they are or are not slaves, but it is on a law of the United States. They assert that this law does act injuriously to them; the question is, therefore, whether a committee shall be appointed to inquire on the improper force of this law on the case of these men; if they are freemen, he said, they ought not to be sent back from the most distant part of the United States to North Carolina, to have justice done them, but they ought to receive it from the General Government who made the law they complain of.

Mr. K. said, he had not examined the force of the law on the subject, and was not prepared to decide; there could be no evil in referring it for examination, when the committee would report their opinion of the subject and gentlemen be prepared to act on it.

On the question for receiving the petition being put, it was negatived—ayes 33, noes 50.

STATEMENTS OF REVENUE.

Mr. HARPER laid upon the table an alteration to the resolution which he had brought forward some days ago, relative to certain annual statements of revenue being laid before the House, viz: to omit what related to a list of all the officers employed, and the compensations allowed to each, as he found it would be inconvenient to obtain such a list.

APPROPRIATIONS FOR 1797.

The House then resolved itself into a Committee of the Whole, on the subject of appropriations for the year 1797. The sum estimated for the expense of the Legislature being under consideration,

Mr. S. SMITH moved that, instead of six months, three should be inserted; as the time which Congress would sit this year would not be longer than that period.

Mr. GALLATIN wished the gentleman would agree to insert four, instead of three months, as he believed, the whole of the money appropriated last year was expended; and there would, consequently be December, in last year, and January, February, and December, in this year, to be provided for.

Mr. SITGREAVES wished to know whether the present session only was included, or whether December in the next was calculated? If the estimate extended to the next session, he thought the amendment should not take place, because there might be cause for fixing their meeting at an earlier day before they separated; or the PRESIDENT might convene them at an earlier day than usual, if he saw occasion. If this should be the case and the appropriation was made only for four months, embarrassment might be the consequence; but no inconvenience could arise from granting more than was wanted, as the expense was of such a nature as could readily be checked.

Mr. NICHOLAS concurred in opinion with the gentleman last up.

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Mr. VARNUM thought differently. He was not for voting for any one object more than appeared to be necessary. If, as had been supposed, the session would be longer than was at present expected, an additional appropriation might be made; but he was against locking up sums of money in too large appropriations, which might be wanted for other purposes. He thought three months would be a sufficient estimate, viz: two in this session, and one in the next.

Mr. WILLIAMS said, it would be well for the Committee to consider, that the Senate might sit after the House of Representatives adjourned, or be called together again. He would, therefore, wish the motion to be confined to that House only.

The motion for striking out "six" and inserting "four" was carried.

The sums of money appropriated were altered of course.

Mr. GALLATIN moved that \$30,000 should be inserted in place of \$34,000, for defraying the expenses of clerks of Courts, jurors, and witnesses, in aid of the funds arising from fines, forfeitures, and penalties; and likewise for defraying the expenses of prosecutions for offences against the United States, and for safe-keeping of prisoners. \$30,000 was thought sufficient last year, and it had been found so, or the Secretary of the Treasury would have reported a deficiency.

Mr. GREENUP said this sum had vastly increased, and he wished it to be reduced lower than proposed. It was formerly \$12,000, and he knew not why it should now be more.

Mr. THATCHER said it was impossible to say, to \$3,000 or \$4,000, what would be necessary under this head. He had no objection to reduce the sum, though he could see no inconvenience which could arise from the sum remaining as it stood.

Mr. S. SMITH moved that the sum might be left blank, that they might ascertain the sum necessary. Agreed to.

On motion of Mr. COIT, the compensation for messengers and office-keepers to the Treasurer of the United States, the Purveyor of the Treasury, and an assistant office-keeper to the Secretary of State, were struck out, on the ground of their being new items.

Mr. GALLATIN said, in the Purveyor of the Treasury's office was a clerk, said to be there in pursuance of the act of May 30, 1796. That act, he remarked, did not make provision for any new clerk; it only gave a power to apportion a sum of money among the clerks then employed. He therefore moved to strike out that item of \$500. Agreed to.

Mr. BALDWIN believed the item of \$800 for printing an edition of the laws had been copied from an old estimate, without considering that a new edition of the laws was now printing. It had been customary heretofore, he said, to print an edition of the laws at the close of every session—two copies of which were sent to every member; but as there had been a law passed for printing 5,000 copies of the whole laws, he conceived there was no necessity for the item alluded to, as one edition of the laws would be sufficient.

Mr. W. SMITH did not think, with the gentleman from Georgia, that the item alluded to was unnecessary. He believed it was necessary there should be a small edition of the laws at the end of the session. The edition of the laws to which the gentleman had alluded, would not be out for some time, and it had been usual for members to have the laws of the session sent to them soon after adjournment. It was also necessary that the officers of the revenue, Judges, &c., should have copies of the laws as soon as possible after they were passed.

Mr. COIT said there was a copy of every law printed on a sheet as soon as passed, a copy of which was laid upon the desk of each member, which he supposed was meant by this item.

Mr. SWIFT observed, that by a law of the 3d of March, 1795, 5,000 copies of the laws were ordered to be printed; 4,500 of which were to be distributed among the different States, and the other 500 to be disposed of as may be hereafter by law directed. This edition will make four volumes; but he thought it would be convenient to have a number of the laws printed off, as heretofore, to make complete sets of those already in the hands of members. This, he said, would not be attended with much additional expense, as the types would be set for the other edition, and there would, therefore, only be the press-work and paper to pay for. He thought the \$300 might be reduced to \$300.

Mr. BALDWIN conceived that, as there were \$1,600 in the next line for an edition of the laws of this session, the \$800 in question need not be retained. \$2,400 appeared too much for printing the laws of one session.

Mr. SWANWICK said he believed \$1,600 would pay for printing all the laws they should pass this session.

Mr. HARPER thought both editions necessary.

The question for striking out was put and negatived—sixteen only being for it.

Mr. GREENUP said he found two items, \$1,500 each, for striking Mediterranean passports. He thought one was sufficient, and moved to strike out the other. Besides, he thought the expense enormous.

Mr. S. SMITH said it would be necessary to preserve this item, as a very considerable revenue arose from thence. Our Captains, he said, were obliged to carry one of these, and if they were not appropriated for, they could not be had.

Mr. W. SMITH said it would be seen that one of the items was for last year, which was not then appropriated for; but, the expense having been incurred, it must be paid.

The question was put and negatived.

Mr. HOLLAND thought the Mint Establishment was of no use to the United States; he therefore proposed to strike out the whole estimate of \$10,600 for that department.

This motion not being seconded, fell to the ground of course.

Mr. COIT moved to strike out \$350, appropriated for stationery, office-rent, &c., for the Governor of the Territory Northwest of the river Ohio.

Mr. DAYTON (the Speaker) thought it deserved

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to be considered whether this item had been before allowed.

Mr. COIT said, if it had been allowed, he doubted the propriety of it. The salaries allowed he thought sufficiently ample without this contingent.

Mr. GALLATIN said there had always been this charge allowed heretofore, and he should therefore be against striking it out.

The question was put and negatived.

Mr. SWIFT believed the youngest children of the late Major General Warren were now of age, and therefore the \$450 dollars heretofore allowed them might be struck out. Agreed to.

Mr. S. made a similar motion with respect to the son of the late Major General Mercer; but, on its appearing that there was at least a probability he wanted yet a few months of being 21 years of age, the motion was withdrawn.

Mr. GALLATIN moved that the \$7,000 appropriated for the wages of persons employed in the Mint should be left a blank, as there was a committee on that subject, who had not yet reported. Agreed to.

Mr. G. said, the next head was the Diplomatic department, which had always been considered as a separate subject. Indeed, some inquiries would be necessary with respect to one of the items at least. He should move therefore for the Committee to rise, and report that part of the estimate which had been agreed to.

Mr. W. SMITH did not see any reason why the Committee should rise. Any inquiry might as well be made now as at any future day. They had no law this session before them. An extra expense of the Diplomatic department would probably come in, in the current expenses of the year. He did not expect any other information on the subject. There remained, to be provided for, \$67,900. The items were before them, and could be determined upon. It would be better to pass the whole together than to have a separate act. This estimate, he said, would be referred to the committee to bring in a bill, and undergo further discussion. He did not see why they should have a separate bill. He saw no reason for detaching this any more than any other subject.

Mr. GREENUP said information was necessary on some of the items, and he hoped the Committee would rise.

Mr. GALLATIN said there was a charge of \$50,000 for continuing the prosecution of the claims of our citizens, whose property had been captured by the belligerent Powers. He wished some check to be put upon this expenditure. He wished an inquiry as to the quantum of expense required in this business. He did not think they were justified in appropriating money to a large extent, upon which there was no check but the will of the PRESIDENT. It would, perhaps, appear extraordinary that he, who was a member of the Committee of Ways and Means, should want information on this subject; but this item had never come into discussion in that committee when he was present, and, he believed, had been introduced into the estimate as a matter of course. He therefore wished the Committee to rise, and he thought it would be best to

have the appropriations for this department in an act by itself.

Mr. W. SMITH said it would be recollected that, in the estimate of the Secretary of State last session, there was an estimate of \$50,000 for this object, and that, after a full discussion, a majority of that House had agreed to it. This, therefore, had sanctioned the principle of continuing this charge. The only question was as to the quantity. If \$50,000 were thought too much, the sum might be struck out, and left a blank, to be filled up hereafter.

Mr. NICHOLAS said he believed the House meant last session (at least he could speak for himself) to vote for a sum of money for the purpose in question, and not that they would go to any length in the business. Indeed, he should be disposed to ask for an account of the expenditure of the money they had voted last session, before he thought of voting for more. The question would now come up in a very different manner from what it did then.

Mr. SWANWICK said it would be very desirable to know the success which our agents had had in Europe, in the recovery of the property of which our citizens had been despoiled, before fresh sums of money were voted on that account; because, if the speculations were to be continued, that House was concurring with the British and French in their attacks upon the property of our citizens, by thus voting away their money. If the whole of this money, he said, were to be expended upon the English lawyers, it would be a harvest for them, and it would be their interest to foment disputes betwixt the two countries. He was therefore in favor of the Committee's rising.

Mr. NICHOLAS moved to strike out this item altogether.

Mr. SEWALL hoped it would not be struck out: he trusted the item would be preserved. If the sum should be thought too large, it might be left a blank. It was well known, agents had been employed in the business, and what the extent of the expense would be, could not now be told. At any rate the sum should be appropriated.

Mr. NICHOLAS did not think they had information enough before them to know whether any further sum was necessary. What had been appropriated might prove sufficient; but if they were to go on appropriating, there could be no doubt but the expense would keep pace with their liberality in granting money.

Mr. SWANWICK wished the Committee to rise. They were told that the Diplomatic department was to cost \$107,000, from which was to be deducted the regular annual appropriation of \$40,000, which left a sum of \$67,900 to be provided. They had, last session, been called upon for \$50,000 to prosecute our claims against the British for their spoliations. Those spoliations were continued, and they were now called upon for a further sum of \$50,000. He supposed, another year, since the French were now following the example of the British, in committing spoliations on our property, \$150,000 would be wanted to prosecute our claims against both nations. He hoped, when this money

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was granted last session for adjusting the claims of our merchants, that those spoiliations would not have been continued; but they heard every day of our vessels being seized and carried into Martinique. Indeed, it would be the interest of Great Britain to prevent these claims being settled, while they can receive from us an annual income of \$50,000.

Mr. THATCHER said he knew of no good answer by traveling to Great Britain, France, Martinique, &c., when speaking on the present subject. It was well known, that, in consequence of depredations committed on the commerce of this country, agents had been appointed, in order to obtain redress: the business was in train. These facts were enough to justify the item. If it was necessary to gain information as to the sum necessary, the \$50,000 might be struck out until due inquiry was made; but he would by all means preserve the item.

Mr. SEWALL said, the gentleman from Pennsylvania [Mr. SWANWICK] seemed to think the Diplomatic department ought to be swallowed up by the War department. Means, Mr. S. said, had been provided by the British Treaty for the settlement of the spoiliations committed upon our commerce by that nation. Perhaps the same means might hereafter be agreed upon with France; but he trusted they should never suffer our citizens to be kept in bondage in any country, for the sake of a few thousand dollars employed under the head of the Diplomatic department. In his opinion, money spent in a diplomatic and peaceable way was much better expended than in building navies and preparing for war. It was necessary Government should undertake the settlement of this business, since merchants could not do it for themselves. They might, indeed, if Government permitted and sanctioned them, fit out letters-of-marque and make reprisals; but as Government had chosen a peaceable course in preference, it was desirable that they should pursue it.

Mr. SWANWICK gave the gentleman from Massachusetts credit for his remark on the War and Diplomatic departments. Mr. S. said he thought the Diplomatic department nearly allied to the Military; and that the latter naturally grew out of the former; because, if disputes were not continually engendered, these gentlemen would have nothing to do; and while they could receive \$20,000 annually for an employment of this kind, they would so contrive the business as not to want employment. And while one country received \$50,000 a year, to be expended in law-suits to adjust spoiliations committed upon our commerce, it would hold out inducements to other nations to use us in a similar manner, since they saw that they may do it with impunity. For his own part, he wished for peace as much as any man, but he would wish to preserve that peace with honor.

Mr. DAYTON (the Speaker) conceived it to be their duty, before they agreed to the item under consideration, amounting to 50,000 dollars, to consider well whether the United States were in any degree obligated to defray from the general Treas-

ury, the expenses of prosecuting the claims in question. Without determining how far the grant of a sum, to the extent and in the words here mentioned, might be justly construed into an assumption, on the part of the Government, of the charges to arise in future, there was reason to apprehend that it would be so considered. He still thought, as he had thought and declared last year, that no money ought to be granted upon that principle, and that the amount contemplated was far too great upon any other principle whatever. He would therefore be in favor of striking out 50,000 dollars, and leaving a blank to be filled in the bill after the object of this expenditure had been more fully explained and understood. Mr. D. avowed his unwillingness to appropriate more than a tenth part of that sum for the purpose expressed. He was aware that our Government might be called upon to procure, through the public agents in the West Indies and other channels, various documents and extracts from the registry or records in the Courts of Vice Admiralty of Great Britain, which might aid the appeals prosecuting in the higher Courts. Such useful and necessary papers might probably be best procured through the interference and influence of the Executive of this country with its agents resident in the islands, and could not be effected for nothing. Some expense might also attend the transmission of writs of inhibition or other processes, from the High Court of Admiralty to this country, and from hence to the West Indies. Those charges, he would not deny, might necessarily be incurred; and as they could not be assessed upon individuals, ought under this head to be provided for; but they would need a provision very inconsiderable indeed when compared with the extravagant appropriation of 50,000 dollars, which he hoped would be struck out for the purpose of their introducing, in another stage of the business, a much less sum.

Mr. W. SMITH hoped the question would be divided, so as to retain the item if the sum was struck out.

The CHAIRMAN declared the question not capable of a division.

The question being put for striking out the item, the votes were for it 40, against it 39, when the CHAIRMAN voting in the negative, declared the question not carried.

The question was then put for striking out the sum and carried.

Mr. GALLATIN moved to strike out the words "continuing the prosecution," and insert in their place "expense relative to," in order to avoid an appearance of sanctioning a continuance in the prosecution of these claims. This amendment would also meet the ideas of the gentleman from New Jersey.

Mr. SWANWICK seconded the motion, for he did not believe we should ever get so much from Britain on account of the spoiliations, as would be spent in the pursuit of them.

The question was put and carried.

The Committee then rose and had leave to sit again.

H. OF R.]

Indirect Taxes.

[JANUARY, 1797.]

TUESDAY, January 31.

A message was received from the Senate, informing the House that they had appointed a joint committee, viz: Messrs. SEDGWICK, LAURANCE, and READ, to act in conjunction with a committee to be appointed by the House of Representatives, to ascertain and fix the mode of examining the votes of the Electors for PRESIDENT and VICE PRESIDENT OF THE UNITED STATES, &c., and to regulate the time and manner of administering the oaths of office to the PRESIDENT and VICE PRESIDENT OF THE UNITED STATES.

INDIRECT TAXES.

Mr. HENDERSON proposed the following resolutions to the House. He observed that his reason for offering them was to bring the whole subject of indirect taxation forward at one time. The gentleman of South Carolina [Mr. HARPER] had offered many articles to their attention, but not having specified these now proposed, he would move that they be referred to the Committee of the Whole on the subject of indirect taxation, viz:

Resolved, That there ought to be laid an additional duty of — cents per gallon, on all beer, ale, and porter, imported in casks into the United States.

Resolved, That there ought to be laid an additional duty of — cents per dozen bottles, on all beer, ale, and porter, imported in bottles.

Resolved, That there ought to be laid an additional duty of — cents, per pair, on every pair of boots, imported.

Resolved, That there ought to be laid an additional duty of — cents per pair on all imported shoes and slippers of silk; and on all other shoes, slippers, clogs, and golo-shoes, for men and women, per pair, — cents; and on all shoes and slippers for children, — cents per pair.

Resolved, That there ought to be laid an additional duty of — cents per pound, on all souchong and black teas.

Resolved, That there ought to be laid an additional duty of — cents, per pound, on all hyson, imperial, and gunpowder teas, imported; and on all other green teas, — cents per pound.

Resolved, That there ought to be laid an additional duty of — cents, per hundred weight, on all unmanufactured steel.

Resolved, That there ought to be laid an additional duty of — cents per hundred weight, on all bar iron imported.

Resolved, That there ought to be laid an additional duty of — cents per pound on all nails imported.

Resolved, That there ought to be laid an additional duty of — cents per hundred weight on all Glauber salts imported.

Resolved, That there ought to be laid an additional duty of — cents per pound on all manufactured tobacco imported.

Resolved, That there ought to be laid an additional duty of — cents per pound on all snuff imported.

Resolved, That there ought to be laid an additional duty of — cents per pound on all cocoa imported.

Resolved, That there ought to be laid an additional duty of — cents per pound on all chocolate imported.

Resolved, That there ought to be laid an additional duty of — cents per pound on all pepper imported.

Resolved, That there ought to be laid an additional duty of — cents per pound on all pimento imported.

Resolved, That there ought to be laid a duty of — cents per pound on all chocolate manufactured within the United States.

Resolved, That there ought to be laid a duty of — cents per pound on all snuff manufactured within the United States.

Mr. W. SMITH said, if he thought any good could be derived from the propositions, he should be glad to indulge the gentleman, but not perceiving any advantages whatever, he must oppose the reference. He had not time at present to go into the merits or demerits of these several articles. He thought they would have the injurious tendency to lead the House from the view of direct taxes, and thus lose the substance while they grasped at a shadow: it would argue that the House were to resort to imposts for revenue, when it ought to be observed that this was the most improper time that could be pointed out for an extension of that system. We have, Mr. S. said, the Secretary of the Treasury's ideas on the system; he considers, that, if entered into, it will not be productive, and of those he had offered, the Committee of Ways and Means had only proposed three. We may go into it, but the time of the session now remaining being so short, we should be led into a track which would be quite impracticable and injurious, because to no purpose whatever. If they were to be referred to a Committee of the Whole, they could not be considered till after those proposed by his colleague, [Mr. HARPER] which had a priority.

Mr. HENDERSON said, it was from the invitations of the gentleman who had just sat down, who is Chairman of the Committee of Ways and Means, that he had proposed these articles for consideration. It may well be recollected, that gentleman gave a general invitation for every gentleman who opposed direct taxation, to propose his substitute, that they might come all under view at the same time, and how could he now say those of his colleague had a priority: not one of the articles now proposed were before included. As for the idea of an abiding system, Mr. H. thought the other could not be preferred to this, while these articles would bear an extension of duty every way adequate to the wants of the Government, without being burdensome to the people.

Mr. S. SMITH thought these articles were only proposed for the purpose of defeating the report of the Committee of Ways and Means. They had proposed three articles of the indirect kind, which, in the view of the Secretary of the Treasury, were all that would bear an extension of duty. What is the object of the gentleman? Is it to increase our own manufactories? It appeared to him the gentleman had proposed these articles at random, without considering their merits. He presumed the revenue would be very little helped by it. He thought it a wrong time to go as far into this system as it would bear. It was the intention of gentlemen to propose a reso-

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lution, directing the Secretary of the Treasury to digest a plan of indirect taxation, to be brought forward at the next session; and therefore he hoped this would not be referred.

Mr. KITCHELL said, he could not think that his colleague would propose these resolutions to defeat the propositions before made. He had acted consistently with his former declarations; he had been called upon, in the general invitation, to produce a substitute for direct taxation, and he had proposed those just read. Though the gentleman from Maryland says it is to destroy the other system, yet the gentleman could not say that system would be effected. Could he say that would be put in force? Mr. K. thought not; he thought there were insuperable difficulties attending it, more by far than any gentleman could be aware of. Certainly, then, if there is a prospect of that system not prevailing, there is wisdom in proposing a substitute—a resort to which to apply. He thought it ungenerous to say that this was brought forward to evade a direct tax, and he hoped that opinion would not prevail so far as to prevent committing the resolutions.

Mr. CLAIBORNE was against the reference, not only for the reasons so ably stated by the gentleman from South Carolina, [Mr. SMITH] but because, if admitted, they would bear very heavy on the people of the Southern States, already too much burdened. At Massachusetts, New York, Philadelphia, and other places, where goods were landed, he said the burden may not be so great, but it was to be remembered, that they were to be reshipped, and after landed in the Southern States, perhaps have much inland carriage, thus 100 per cent. was added by which they became very expensive. He hoped the House would so systemize as to make men pay in proportion to their property. These were his honest sentiments, founded on what he knew to be the interest of his constituents.

The question being here asked, the SPEAKER answered, the question was not on the adoption of the resolutions, but their reference.

Mr. CLAIBORNE said, he had only given his reasons to support the impropriety of them, and the natural references growing out of them, to show they ought not to be referred.

Mr. NICHOLAS, upon this, said, that he hoped gentlemen would vote in silence, since it was disorderly to enter into the merits.

At the desire of Mr. SWANWICK, the resolutions were read a second time.

Mr. GALLATIN said, the nature of the business was such as to exclude the House the privilege of entering into the resolutions in detail, though it was exceedingly difficult to speak on the principle of the question without. Though he might be imperceptibly drawn out of the line he would wish to keep, he should speak a few words on the principle, in which he would give his reasons against the admission. It may be recollected, that the gentleman from New Jersey, some time ago, laid a resolution on the table, in general terms, to institute an inquiry as to what articles of foreign growth imported, and articles manufactured with-

in the United States, would bear an additional duty. This resolution was referred to the Committee of Ways and Means, who had reported on it; not in a complete system, as the gentleman seems to wish, but in a manner which they considered best. Their report was referred to a Committee of the Whole on the subject of indirect taxation. Was it not now prejudging that system, to say it was bad; that it was not complete, but required amendment? When that system comes forward, it is in the power of gentlemen to change, retrench, or modify it, with whatever alterations shall be most acceptable to the House; this was to say, it was not worth notice, and if so would naturally lead to a discussion of it, although the SPEAKER says it is out of order. Mr. G. thought it was not proper to refer these resolutions to the Committee of Ways and Means until they had the report of that committee on the subject already referred to them, under discussion. He should vote against the reference. He thought these resolutions ought not to be called a system, they were merely a set of resolutions transcribed from the Treasury book as articles of impost, without any previous consideration of the propriety or impropriety of advancing the duties on them. Mr. G. said, he would venture to assert the whole of them would not produce twenty thousand dollars to the Treasury. However, he did not wish to enter into a detail in addition to the observations from the gentlemen from Maryland and South Carolina, with both of whom he agreed.

Mr. THATCHER said, if the majority of the House were already decided in favor of a direct tax, and determined to carry it into effect this session, then they were right not to refer these propositions to a committee; but he did not, like the gentleman last up, think that a majority would favor that mode of taxation. He thought it impossible to draw the necessary supplies from a direct source, from which view he was determined in his mind to oppose that system, and apply to indirect means. The gentleman from Maryland [Mr. S. SMITH] had said that we ought not to refer them, because of several which had been brought forward and not entered upon; another gentleman had said, if these were referred, it would be bringing in a system, for which there was no time this session. With respect to that, he would say, if there was not time to digest an indirect system, *a fortiori*, it surely could not be supposed there would be for a direct, which must certainly take much more time; the amendment of an old, which requires no new organization, could not take up that time, which was not indispensably necessary in the formation of a new one. Those gentlemen who thought otherwise must be very much mistaken. Mr. T. thought that, with the savings which may be made, a sum considerably less than twelve or thirteen hundred thousand dollars, would answer the demands of the present year. The gentleman from Virginia says he is against the system of indirect taxation, because it would bear harder among the Southern than the Northern States. He thought it of more im-

portance to obtain supplies the present year, than to be weighed down by these considerations. He should forbear going into the merits of the articles at this time, it having been said by the Chair that it was out of order; he would only say, he should vote in favor of the references.

Mr. SWANWICK said the gentleman last up, and others who spoke on the same side of the question, took it for granted that there was no intention to carry a direct tax. Why, then, he would ask, was the resolution entered into the other day? What may be going on in some corners of the House he knew not, but he should not at present take it for granted, though the assertion may prove to be just. And though those gentlemen may take it for granted that the taxes on imports will produce additional revenue, yet he did not entertain the idea; he was far from thinking there was any certainty in it.

Mr. S. said he thought it might appear pretty plain to any gentleman who would give himself the trouble to think, that there was a great prospect of defalcation in the revenue in the present year. We had last year a great surplusage of goods imported into the United States, by reason of which the price was brought below, or at most even, with the sterling price. Is it not then a natural deduction that the great revenue by these importations in 1796, will considerably lessen the want of the article in 1797? He had lately had some conversation with a collector on the subject, who gave it as his fixed opinion that the surplusage would have that effect. He thought, then, it might be fairly taken for granted that there would be less revenue to be received if less goods were imported. He thought it very wrong to get at the subject by this kind of a *side-wind*. Believing, therefore, that this was not the way to get a direct tax established, to bring forward a list of indirect taxes to oppose it, he should object to the reference. Gentlemen, before they opposed this system of direct taxation by introducing indirect, ought to have their minds made up first that there would be none of this defalcation from a surplusage of goods, and also that there was no danger of our ships being taken by those Powers who seem hostile to our commerce. These considerations must, at least, lead gentlemen to hesitate before they press further on the subject. It is said there is no time to forward this plan, but whatever time we have, however short, said Mr. S., let us forward this plan, and make some progress, rather than merely go on copying plans already too much depended on. The gentleman from New Jersey had proposed some plan before, on theatrical exhibitions, &c., which the Committee of Ways and Means had had under consideration, but had, after deliberation, thought proper not yet to report; and should the House forestall that report by proposing fresh articles? He hoped not. They have digested a plan, and have reported, which was also recommended by the Secretary of the Treasury, that two or three enumerated articles are all that will with propriety bear additional duty. Mr. S. said there was, some time past, a kind of apostolic faith given to the Secretary of the Treasury;

whatever he recommended was considered proper to be adopted. He tells you now that you cannot depend upon imports for your revenue; you must apply to direct taxes, or your revenue will be endangered. It must be recollected that, last session, a resolution passed the House, instructing that officer to examine the subject and report, and now it is to be laid up in the drawer as useless—we are to think no more about it. He hoped gentlemen would pursue what they had in hand, and not refer it.

Mr. JEREMIAH SMITH said, gentlemen seemed to be wandering very far from the question before the House. It was not upon the principle of adopting the resolutions, but simply whether there was a propriety at some future period to consider the subject of them. He thought there was. They were told that no gentleman should oppose a direct tax without producing another; thus no person must oppose this, without devising another system. His opinion was, that what had been produced by the gentlemen from South Carolina and New Jersey [Mr. HARPER and Mr. HENDERSON] were very complete substitutes for the other mode; not that he should pledge himself to vote for them, and them only; he should think himself at liberty to exercise his opinion on the subject when before the House, to have the liberty of which he should now vote for committing those proposed for future consideration.

Mr. HENDERSON little expected any opposition to the resolutions when he offered them. He considered, by the mode first pursued, that the two systems of direct and indirect taxation were to go hand in hand, from the invitation to offer plans; and when he considered that his first proposition was in the hands of the Committee of Ways and Means, before the gentleman's from South Carolina [Mr. HARPER] were brought forward, he thought they ought to have been both upon equal footing. He thought if this was refused a reference, the House would not pursue an uniform line of conduct on the subject. Mr. H. thought the gentleman from Maryland [Mr. S. SMITH] had deviated from that line of conduct, which ought to mark every member in that public body, when he charged him with a desire to defeat the object. Had he, said Mr. H., considered his conduct, he would see, at least in this business, it had been uniform; he had always declared his opposition to direct taxation, until he could be perfectly convinced that every other source was deficient. He wished some revenue to be obtained this session, which could not come from a direct system. But he should refrain from going into the system. He did not know why his resolutions might not as well go to a committee as those proposed before, as they are of the same nature. He thought the difference very extraordinary; the merit of the case, he hoped, would obtain a just decision.

Mr. S. SMITH said, the gentleman last up had charged him with something which he did not say. It came from the member from Pennsylvania, [Mr. GALLATIN.] But Mr. S. perfectly agreed with the latter gentleman, that there was no face of system on these resolutions. Mr. GALLATIN

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had guessed that twenty thousand dollars were the utmost which could be raised from these resources. He thought that for the first six months there might be at the rate of fifty thousand dollars, but as soon as the system is understood smuggling will begin, and put an end to it. Mr. S. knew the imputation cast on every thing which came from merchants with regard to impost. They were said to hate it. But, in spite of this, he would tell the gentleman that on twelve-and-a-half per cent. duties, for every ninety-five pounds paid into the Treasury, one hundred and thirty-three pounds were paid by the public. And in the two-and-a-half per cents., where the consumer paid six pounds, not four pounds of it went into the Treasury, and these were on articles on which it was proposed to increase, but to no effect. This surely was not a commendable system of raising money. You have in many instances no means of coercing merchants to pay imposts; you have nothing to depend upon but their honor. The extent of the coast, and the immense number of creeks with which it was intersected, made it impossible to hinder smuggling. But in America that practice was held to be dishonorable. Britain, while this country was under her government, had tried, but in vain, to hinder smuggling. All her ships-of-war could not prevent it. How, then, will the United States be able to do so? Under that Government it was an object to smuggle: an augmentation of the impost would again produce the same effects. When he saw gentlemen rise in support of the reference, who had not risen on the subject of direct taxation, he was led to draw the conclusion that these resolutions could have no other effect than to defeat those brought in by the Committee of Ways and Means, and to create needless delay. There can be no other end. These trifling things can raise nothing but discussion in this House, which will produce a very inconvenient stop to business.

Mr. S. insisted that the resolutions could be brought forward for no good purpose; he still thought so. Only four weeks of the session now remained, and no time was to be lost. The gentleman might judge of the length of discussion which the resolutions would require to go through them, by what had happened on this day. Six weeks would be requisite for them. The third article proposed by the committee he thought quite adequate; until a more perfect system could be brought to perfection. The revenue of 1795 would be sufficient for 1797. The gentleman might indulge himself with the phantom of a revenue from that source, but let the commerce be destroyed and where would the revenue then be? He hoped a system like that would not be depended on, which was so liable to be ruined.

Mr. HOLLAND said, it may not be too late to take a necessary view of the subject. Gentlemen said that the Committee of Ways and Means had the subject fully before them, but he would ask would it be any harm for the House also to possess it? He, as an individual, wished to know the merits of it. It was generally allowed that revenue was wanted, and two systems had been

tried for that purpose; was it not desirable to see whether the one had been sufficiently extended before the other was to be adopted? They should, at least, each undergo a full and ample discussion. What gentlemen had said about it seemed to be prejudging the opinion of the Committee of Ways and Means; he thought there could be no impropriety to commit it; nothing could be lost by bringing it before the House, but much might possibly be gained.

Mr. HARPER said he should vote against the reference, and should give his reasons in a few words: first, because it was unnecessary; it could be brought into the view of the House at the same time those he proposed came forward, to which they had a very great affinity; there is not one of the items but would come up very properly at that time, and any member may move them, but he thought them improper. Though the extension of this system may be necessary, yet it was so only to a certain degree; this was going too much into detail. If it could be extended at all, he thought those items before proposed would be enough, which was his second reason for opposing them. Thirdly, to go so far into minutia would lead the debate to too great a length for anything to be done during the session, while the House were pressed on all sides with business of various kinds. He should even think time so precious, that fifty thousand dollars would not be worth five or six days' discussion for; but, on the contrary, a very small revenue indeed could be drawn from this plan. He hoped the gentleman would let it lie for the present, and bring it forward at the time the House took up the subject.

Mr. HENDERSON again rose; but on the SPEAKER informing him he had spoken twice on the subject, and if he wanted to speak again he must ask leave of the House, he did so, and obtained leave; but he only rose to ask Mr. HARPER what difference there could be between the resolutions he proposed and those now proposed?

Mr. HARPER answered, that at the time his were proposed there was no report of the committee made, but now the subject was more forward.

Upon a division the reference was carried—ayes 51.

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The House then took up the amendments of the Committee of the Whole on the report of the Committee of Ways and Means, on the subject of appropriations for the year 1797.

Mr. BALDWIN doubted the propriety of agreeing to the amendment reducing the estimate of contingencies for the Senate from \$4,000 to \$3,000, since they had not agreed to reduce the \$8,000 estimated for the contingencies of that House, to \$6,000, upon the same ratio, viz: for four months instead of six—though he was of the same opinion as to the impropriety of appropriating too largely for these objects of expense that he had before expressed.

Mr. HENDERSON hoped this amendment would be agreed to, and that the \$8,000 appropriated for that House would be reduced to \$6,000.

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The question was put and negatived—yeas 31, nays 51.

On the question being about to be put for agreeing to the amendment for striking out the messenger and office-keeper to the Treasurer of the United States, Mr. W. SMITH hoped it would not be agreed to. He did not think it would be using their officers well to deprive them of a person of this kind, to do their menial business.

The amendment was carried—41 to 30; and the two other amendments of a similar kind, agreed to in a Committee of the Whole, were carried without a division.

On the question being about to be put for striking out the clerk to the Purveyor of the Treasury, Mr. W. SMITH called for the reading of the act of last session, under which this clerk was said to be appointed. He said it appeared that the Heads of Departments were authorized to make such provisions with respect to the compensations of the clerks as they thought proper. They had allowed, it seemed, a clerk to the Purveyor of the Treasury, on account of his increase of business. He believed if this had not been necessary, the Secretary of the Treasury would not have allowed it, as he was not remarkable for increasing assistants where there was not necessity for them. Except they knew for a certainty that the clerk was unnecessary, he thought the item ought not to be struck out.

Mr. GALLATIN said, it must be remembered that the act appointing the Purveyor of the Treasury gave him no clerk; and, if a clerk was necessary, provision should be made by law for the purpose. By the act of last session, four thousand dollars were allowed to be distributed among the clerks, and three new clerks were allowed to be appointed, one of which it appeared had been given to the Purveyor of the Treasury. He did believe there was no occasion for this clerk, since there was three times the business when the office was first established that there was at this time. His particular reason for objecting to this was, because a variety of similar items appeared under the estimate for the Military department, which he meant to object to when that subject came under consideration. He found there the Purveyor of Supplies, the Superintendent of Military Stores, Storekeeper, Assistant Storekeeper, four clerks, &c., all of whom were appointed for nearly the same object. He thought it improper, in this indirect way, to appoint officers unauthorized by law. If the Purveyor were to be allowed a clerk, he should wish it to be done openly by law, and not in the way now proposed.

Mr. W. SMITH did not think it a sufficient reason why this officer should not have a clerk, because he was not allowed one when the office was established, for additional business might have since made it necessary, nor because too many clerks were put down on the Military Establishment estimate. They had not yet passed that estimate, and if gentlemen thought any item there unnecessary, they would of course move to strike it out. They ought not to strike out the clerk

under this head, because those under another were unnecessary.

The amendment was put and carried; there being 51 in favor of it.

Mr. VARNUM said, he found the office-keepers and messengers allowed \$300. They were heretofore \$250; he moved to have all of them altered to that sum. Carried—36 to 31.

Mr. WILLIAMS moved that the several items of contingent expenses in the Mint, making together \$7,400, should be left blank. Agreed to.

The report being gone through, Mr. GALLATIN wished the resolution reported by the Committee of Ways and Means to be read. This resolution is to the following effect: "*Resolved*, That a sum not exceeding — be appropriated, viz: for the Civil List," &c.; enumerating all the different heads of expense.

Mr. GALLATIN said he should move an amendment to this resolution, which, though at first view might appear trifling, yet, on an investigation of the subject, would be found of considerable importance. The way in which the resolution now read was, that for certain purposes, "there be appropriated a sum not exceeding —, viz." The amendment he meant to propose was to strike out those words, and insert in their place, "the following sums be respectively appropriated, viz."

Mr. G. said his object in this amendment was, that each appropriation should be specific; that it might not be supposed to be in the power of the Treasury Department to appropriate to one object money which had been specifically appropriated for any other object. He did not know, he had never investigated the subject, whether, as to the Civil List, appropriations had ever been mixed, or whether it was understood they might be so mixed; but they knew it had been officially declared that so far as related to the Military Department, the items had been totally mixed: for instance, if the estimate for clothing or any other item fell short, the officers of the Treasury did not think themselves bound by that particular appropriation, but had recourse to other items, for which larger sums were granted than there was occasion for. Such construction of the law, Mr. G. said, totally defeated the object of appropriation, and it was necessary, therefore, so to express the law that no color for such a construction should be given. The amendment he proposed would have this effect.

Mr. W. SMITH said, the amendment proposed was not of importance at present, as the particulars were entered only upon the Journals. These did not go into the law to be passed, for though all the items were entered upon the Journals, in the bill they were lumped in the aggregate. But as one gentleman had brought up the subject, it was necessary that the House should consider it, and say whether it was not proper, when appropriations were insufficient under the head of expense. In cases of emergency it would be proper that the Treasury should be so limited as not to take money from another head of expense, where there was a surplusage. This was a thing done heretofore, and the House knew it had been done in the Military Establishment. In the Quartermaster's de-

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partment, in particular, the expenses might exceed the sum appropriated, and, as the services must be performed, or the military service cease, therefore, the Treasury judged they might make use of the surplus of any other head of expense to make good this deficiency. He knew not how the business could be otherwise done with convenience. With respect to the Civil List Establishment, it was of a more certain nature; most of the salaries were established by law, and therefore they could be ascertained to a certainty.

Mr. S. said he did not mean, however, to oppose the motion at present; but when the bill was brought in, it would be necessary to determine this principle, and say whether, if an appropriation fell short Government must stop rather than touch the surplus of any other appropriation.

The said report, as amended, was then read at the Clerk's table, and on the question put thereupon, agreed to by the House, as follows:

Resolved, That for the expenditure of the Civil List; for the extra expenses of foreign intercourse; for the support of the Mint Establishment, light houses, beacons, buoys, and public piers, for the year one thousand seven hundred and ninety-seven; and to satisfy certain miscellaneous claims, stated in the Report of the Secretary of the Treasury, of the fifteenth of December, one thousand seven hundred and ninety-six, together with the incidental and contingent expenses of the several Departments, and the offices thereof, the following sums be respectively appropriated; that is to say:

THE EXECUTIVE.

For compensation to the President of the United States	\$25,000 00
For compensation of the Vice President	5,000 00
	<u>\$30,000 00</u>

THE LEGISLATURE.

For compensation to the Senators and members of the House of Representatives, their officers and clerks, and for the contingent expenses of both Houses, estimating the attendance of the whole number, for four months:	
Thirty two members of the Senate, at six dollars per day	23,360 00
Speaker of the House of Representatives, at twelve dollars per day	1,460 00
One hundred and five members, at six dollars per day	76,650 00
Traveling expenses to and from the Seat of Government	26,000 00
Secretary of the Senate, one year's salary	1,500 00
Additional allowance, estimated for four months, at two dollars per diem	243 33
Principal clerk to the Secretary of the Senate, for three hundred and sixty-five days, at three dollars per diem	1,095 00

Two engrossing clerks to the Secretary of the Senate, at two dollars per day, each, for three hundred and sixty-five days	1,460 00
Chaplain to the Senate, estimated for four months, at five hundred dollars per annum	166 67
Doorkeeper to the Senate, one year's salary	500 00
Assistant Doorkeeper to the Senate, one year's salary	450 00
Clerk to the House of Representatives, one year's salary	1,500 00
Additional allowance, estimated for four months' at two dollars per day	242 33
Principal clerk in the office of the House of Representatives, for three hundred and sixty-five days, at three dollars per day	1,095 00
Two engrossing clerks, at two dollars per day, each, for three hundred and sixty-five days	1,460 00
Chaplain to the House of Representatives, estimated for four months, at five hundred dollars per annum	166 67
Sergeant-at-Arms, for same time, at four dollars per day	486 67
Doorkeeper to the House of Representatives, one year's salary	500 00
Assistant Doorkeeper to the House of Representatives	450 00
Expenses of fire-wood, stationery, printing work, and other contingent expenses of both Houses of Congress:	
For the Senate estimate	4,000 00
For the House of Representatives estimate	7,500 00
To make good the deficiency in the appropriation for the year one thousand seven hundred and ninety-six, occasioned by the several grants of the House on the last day of the session	500 00
	<u>150,785 67</u>

THE JUDICIARY.

Compensation to the Chief Justice	4,000 00
Compensation to five Associate Justices, at three thousand five hundred dollars, each	17,500 00
Compensation to the Dist. Judge—	
of Maine	1,000 00
of New Hampshire	1,000 00
of Vermont	800 00
of Massachusetts	1,200 00
of Rhode Island	1,000 00
of Connecticut	1,000 00
of New York	1,500 00
of New Jersey	1,000 00
of Pennsylvania	1,600 00
of Delaware	1,000 00
of Maryland	1,500 00
of Virginia	1,800 00
of Kentucky	1,000 00

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Compensation to the Dist. Judge—	
of North Carolina -	1,500 00
of Tennessee -	800 00
of South Carolina -	1,800 00
of Georgia -	1,500 00
Compensation to the Attorney General -	
For defraying the expenses of clerks of courts, jurors, and witnesses, in aid of the fund arising from fines, forfeitures, and penalties; and, likewise, for defraying the expenses of prosecutions for offences against the United States, and for safe-keeping of prisoners -	
	<u>38,500 00</u>

TREASURY DEPARTMENT.

Compensation to the Secretary of the Treasury -	3,500 00
Compensation of clerks, agreeably to an arrangement for the year 1796, in pursuance of the act of 30th May, 1796 -	5,000 00
Compensation of messenger and office-keeper -	250 00
	<u>8,750 00</u>
Compensation to the Comptroller of the Treasury -	2,650 00
Compensation of clerks, agreeably to an arrangement for the year 1796, in pursuance of the act of 30th May, 1796 -	8,850 00
Compensation of messenger and office-keeper -	250 00
	<u>11,750 00</u>
Compensation to the Auditor of the Treasury -	2,400 00
Compensation of clerks, agreeably to an arrangement for the year 1796, in pursuance of the act of 30th May, 1796 -	9,175 00
Compensation of messenger and office-keeper -	250 00
	<u>11,825 00</u>
Compensation to the Treasurer of the United States -	2,400 00
Compensation of clerks, agreeably to an arrangement for the year 1796, in pursuance of the act of 30th May, 1796 -	2,150 00
Contingent expenses of the office: For bills of exchange, fuel, stationery, office rent, &c. -	600 00
	<u>5,150 00</u>
Compensation to the Commissioner of the Revenue -	2,400 00
Compensation of clerks, agreeably to an arrangement for the year 1796, in pursuance of the act of 30th May, 1796 -	2,775 00
Compensation of messenger and office-keeper -	250 00
	<u>5,425 00</u>
Compensation to the Register of the Treasury -	2,000 00

Compensation of clerks, agreeably to an arrangement made for the year 1796, in pursuance of the act of 30th May, 1796 -	12,925 00
Compensation of messengers and office-keepers -	500 00
	<u>15,425 00</u>
Compensation to the Purveyor of the Treasury -	2,000 00
Compensation to the Secretary to the Commissioners of the Sinking Fund, from the 2d April, 1796, to the 31st December, 1797, at two hundred and fifty dollars per annum -	419 17
	<u>2,419 17</u>
Expense of stationery, printing, and all other contingent expenses of the several offices of the Treasury:	
Secretary of the Treasury -	500 00
Comptroller of the Treasury -	800 00
Auditor of the Treasury -	750 00
Commissioner of the Revenue -	400 00
Register of the Treasury, including books for the public stocks, printing work, and books for the arrangement of the marine papers -	2,800 00
Rent of the Treasury -	1,200 00
Rent of a house for part of the Register's Office -	360 00
Rent of a House for the Auditor -	600 00
Rent of a small store for public papers for the Register's Office -	133 33
Rent of a house for the Office of the Commissioner of the Revenue, and for part of the Offices of the Comptroller, Auditor, and Register -	400 00
Wood for the Department, (Treasurer's excepted,) and other contingencies -	3,500 00
For the expense incident to the stating and printing the public accounts for 1797 -	1,000 00
And for the payment of certain incidental and contingent expenses of the Treasury Department in the year 1796, beyond the sum which was appropriated -	1,500 00
	<u>13,943 83</u>
Compensation to the several Loan Officers, viz:	
For the State of New Hampshire -	650 00
Massachusetts -	1,500 00
Rhode Island -	600 00
Connecticut -	1,000 00
New York -	1,500 00
New Jersey -	700 00
Pennsylvania -	1,500 00
Delaware -	600 00
Maryland -	1,000 00
Virginia -	1,500 00
North Carolina -	1,000 00
South Carolina -	1,000 00
Georgia -	700 00
	<u>13,250 00</u>

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DEPARTMENT OF STATE.

Compensation to the Secretary of State	\$3,500 00
Do. of Clerks, agreeably to an arrangement for the year 1796, in pursuance of the act passed 30th May, 1796	4,042 64
Do. to office-keeper and messenger	250 00
	<u>7,792 64</u>

Incidental and Contingent Expenses.

Stationery	\$300 00
Firewood	200 00
Office rent	500 00
Newspapers from different States, about 20, at \$4 each	80 00
Gazettes from and Gazettes sent to American Ministers abroad	100 00
Laws of second session of the 4th Congress, to be published in five newspapers, at \$100 each	500 00
For printing an edition of the same, agreeably to an act of 15th September, 1789, say	800 00
For printing 5,000 copies of the same, agreeably to an act of 3d March, 1795, say	1,600 00
For printing sea-letters and safe-conducts	200 00
For printing patents for useful arts, including parchment	150 00
For printing patents for lands to the Virginia line, including do.	300 00
For printing patents in the present year, not provided for in the appropriation	425 00
For striking Mediterranean passports, being done by a copper-plate, including parchment and retracing the plate, say	1,500 00
For do., struck off the present year, not provided for in the appropriation	1,500 00
For translating foreign languages	350 00
For binding books for the office	100 00
For the purchase of books for do.	200 00
	<u>8,705 00</u>

* MINT OF THE UNITED STATES.

Compensation to the—	
Director	\$2,000 00
Treasurer	1,200 00
Assayer	1,500 00
Chief Coiner	1,500 00
Melter and Refiner	1,500 00
Engraver	1,200 00
One clerk	700 00
Two clerks, at \$500 each	1,000 00
	<u>10,600 00</u>

WAR DEPARTMENT.

Compensation to the Secretary of War	3,000 00
Compensation of clerks, agreeably to an arrangement for the year 1796, in pursuance of the act of 30th May, 1796	4,750 00

Compensation to office-keeper and messenger	250 00
	<u>8,000 00</u>

Contingencies of the War Office.

For stationery, wood, &c.	1,000 00
For office rent	1,000 00
	<u>2,000 00</u>

The Accountant's Office.

Compensation to the Accountant	1,600 00
Compensation of clerks, agreeably to an arrangement for the year 1796, in pursuance of the act of 30th May, 1796	5,800 00
Compensation to messenger and office keeper	250 00
Contingencies	600 00
	<u>8,250 00</u>
	<u>18,250 00</u>

SURVEYOR GENERAL'S DEPARTMENT.

Compensation to the Surveyor General	\$2,000 00
Towards carrying into effect the surveys to be made by the act, entitled "An act providing for the sale of the lands of the United States in the Territory Northwest of the river Ohio, and above the mouth of Kentucky river," in which it is prescribed by the 10th section that the President of the United States may fix the compensation of the assistant surveyors, chain carriers, and axe-men, &c.	25,000 00
	<u>27,000 00</u>

GOVERNMENT OF THE TERRITORY NORTHWEST OF THE RIVER OHIO.

Governor, for his salary as such, and for discharging the duties of Superintendent of Indian Affairs, Northern department	2,000 00
Secretary of said district	750 00
Three Judges, at \$800 each	2,400 00
Stationery, office rent, &c.	350 00
	<u>5,500 00</u>

For the discharge of such demands against the United States on account of the Civil department, not otherwise provided for, as shall be ascertained and admitted in due course of settlement at the Treasury, and which are of a nature, according to the usage thereof, to require payment in specie

PAYMENT OF ANNUITIES AND GRANTS.

Isaac Van Vort, John Paulding, and David Williams, each a pension of \$200 per annum, pursuant to an act of Congress of the 25th November, 1787	600 00
Dominique L'Eglize, per act of Congress of 8th August, 1782	120 00
John Traverse, per act of Congress of 8th August, 1782	120 00
Samuel McKenzie, Joseph Brunsels, and John Jordan, per act of 10th September, 1783, entitled to a pension of \$40 each	120 00

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Elizabeth Bergen, per act of 21st August, 1781	-	53 33	
Joseph de Beaulieu, per act of 5th August, 1782	-	100 00	
			1,113 33
Annual allowance to the widow and orphan children of Colonel John Harding, per act of 27th February, 1793	-	450 00	
Do. to the orphan children of Major Alexander Trueman, per act of 27th February, 1793	-	300 00	
Do. for the education of Hugh Mercer, son of the late Major General Mercer, per act of Congress of 2d March, 1793	-	400 00	
			1,150 00

MINT ESTABLISHMENT.

For the wages of persons employed in the Mint, at the different branches of refining, melting, carpenter's, mill-wright's, and smith's work, including the sum of \$800 per annum allowed to an assistant coiner and die forger, who also oversees the execution of the iron work.

Incidental and contingent expenses and repairs.

Repairs of furnaces, cost of rollers and screws, timber, bar iron, &c. for blacksmith, mill-wright, and machinery work.
Wood and coals used in the works.
Lead, steel, potash, vitriol, aqua fortis, oil, candles, tallow, and a variety of other articles necessary for the establishment.
Melting pots, crucibles, and muffles.
Ironmongery.
Hay and corn for five horses, and the probable expenses of one.
Stationery, firewood, &c. for the different offices of the Mint.

DIPLOMATIC DEPARTMENT.

The Secretary of State estimates the following sums necessary for defraying the expenses of foreign intercourse for the year 1797:

For 4 Ministers Plenipotentiary, at \$9,000	-	\$36,000 00
For 4 Secretaries to do., at \$1,350	-	5,400 00
For 1 Minister Resident	-	4,500 00
For outfit of a Minister Plenipotentiary to the French Republic in 1796	-	9,000 00
Contingent expenses of the Ministers, others than those which are personal	-	3,000 00
Expenses relative to the claims of our citizens, whose property has been captured by the belligerent Powers.		

Deduct the annual appropriation, agreeably to the act of Congress, passed the 1st of July, 1790, entitled "An act providing the means of intercourse between the United States and foreign nations" - 40,000 00
Remaining to be provided for

For the support of Light-houses, &c.

For the maintenance and support of light houses, beacons, buoys, and public piers, and stakeage, of channels, bars, and shoals, and for occasional improvement in the construction of lanterns, and of the lamps and materials used in them	-	24,000 00
For the repairs requisite at Reedy Island, and the oil vault, &c. at Cape Henlopen	-	4,500 00
To complete the payments for building a light house on Baldhead, in North Carolina	-	1,359 14
To make good a deficiency from the balance of \$13,000, granted for building a light-house on Montauk Point, being carried to the credit of the Surplus Fund, as per page 80 of the public printed accounts for the year 1795, in pursuance of the 16th section of the act passed March 3, 1795	-	13,000 00
And for this sum in addition, being to enable a full payment of the claims for building the said light-house	-	2,740 67
		45,599 81

MISCELLANEOUS CLAIMS.

To satisfy Miscellaneous Claims:

For the payment of the representatives of Samuel Paterson, late Commissioner of the Loan Office for the State of Delaware, balance due to the deceased on the final adjustment of his Loan Office accounts under the late Government, by the Accounting Officers of the Treasury	-	272 89
For this sum, being a balance found due to James O'Hara, late agent for the Quartermaster's department, according to a settlement of his account at Treasury	-	235 81
For this sum, being a balance found due to Timothy Pickering, as Commissioner appointed to hold the Indian Treaties at Canon-daigua and Oneida	-	3,463 12
For compensation to persons employed in bearing votes to the Seat of Government for Electors of President and Vice President of the United States	-	1,600 00
To make good certain deficiencies arising from the balances of moneys of various appropriations being carried to the credit of the Surplus Fund, in pursuance of the 16th section of the act passed 3d March, 1795—		
To the following items, being part of the sum of \$4,560 97, as per page 77 of the printed public accounts for the present year, viz:		

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For the payment of the clerks employed by the Commissioner of Loans, Massachusetts, for the quarter ending March 30, 1795	164 70
For do. do., Commissioner of Loans, New York, do.	125 00
For do. do., Commissioner of Loans, North Carolina	500 00
On the appropriation for defraying the expense of a Treaty with the Indians Northwest of the Ohio, of 2d March, 1793—	
For the payment of a balance stated by the Accounting Officers of the Treasury, to be due to T. Pickering, Beverley Randolph, and Benjamin Lincoln, Commissioners appointed to negotiate and treat with the said Indians	- 3,247 56
For the discharge of such miscellaneous demands against the United States, not otherwise provided for, as shall have been admitted in a due course of settlement at the Treasury, and which are of a nature, according to the usage thereof, to require payment in specie	- 2,000 00
	<hr/> 11,609 08

Ordered, That a bill or bills be brought in pursuant to the said report as amended; and that the Committee of Ways and Means do prepare and bring in the same.

MILITARY AND NAVAL APPROPRIATIONS.

Mr. W. SMITH wished the House to resolve itself into a Committee of the Whole on the resolution he had laid on the table with respect to a temporary appropriation for the Military and Naval Establishments. To show the necessity for which he read a letter he had received from the Secretary of the Treasury on the subject.

Mr. VARNUM thought there was no necessity for going into a consideration of the resolution in question. He should prefer going into a Committee of the Whole on the appropriations for the Military and Naval Establishments, which might be got through in time to answer the purpose in view.

Mr. W. SMITH said, if he thought with the gentleman last up, that the business of the Military and Naval Establishments would be soon gone through, he would certainly be for going into the consideration; but the Military Establishment was not finally fixed upon, and there were some gentlemen who had objections with respect to the Naval Establishment. The law after passing in that House, would have to go to the Senate. There might also be amendments, upon which it would be necessary to hold conferences. In the mean time the public service might suffer for want of money to pay its workmen. The resolution which he proposed to be taken up might be got through in a few minutes; the sum

might be left blank, and it might be referred back, and a bill brought in.

The House accordingly resolved itself into a Committee of the Whole on the following resolution, viz:

Resolved, That the sum of — be appropriated on account of the Military and Naval Establishments for the year 1797."

Mr. GALLATIN moved to strike out the word "naval." It might become a serious question whether they should appropriate any more money to that object or not; and, in the mean time, if the word was struck out, that establishment would not suffer, as they were told in the late report on the subject that \$24,000 remained unexpended of the last appropriation. The subject would probably be determined upon before the present business was finally passed; and, if it was concluded to go on with the Naval Establishment, he should vote for restoring the word.

Mr. PARKER said, it was nearly a month since the report on this subject had been made; \$24,000 were then in hand; but by this time he supposed it was expended, and, if no more was appropriated, the workmen would be discharged and great injury be sustained.

He trusted that House would never think of relinquishing the building of the frigates. If they meant to support any degree of consistency of character, he trusted they should go on to complete them. If not the whole, at least two of them. And if this were to be done, it was necessary now to appropriate some money. He hoped, therefore, the gentleman would withdraw his amendment.

The committee who had reported on the subject were ready at any time to go into it, and he trusted it would be taken up in the course of a day or two, when he hoped the House would determine upon having the frigates completed as soon as possible; for if they determined to give them up altogether, they would remain monuments of their own folly, and would discover a versatility of conduct never equalled, perhaps, by any deliberative body in the world.

Mr. SWANWICK hoped the amendment would not prevail. Even if they determined to have no more to do with the frigates, still it would be the truest economy to finish them. But it would come very ill, Mr. S. said, from the fifty-one gentlemen who had lately voted in favor of indirect taxes, to vote against finishing the frigates, without which no dependence could be placed on any of their plans of taxation. He trusted, therefore, that the word *naval* would not be struck out, but that a supply of money would be granted, and that the work would go on without interruption.

Mr. VENABLE said, if he understood the object of the gentleman's motion, it was not to prevent an appropriation being made for the completion of the frigates, but to have it made in the proper way. It was well known that there had been an extraordinary waste of public money on these frigates; and, whenever an appropriation came under consideration, he should wish to see the esti-

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mate, and prevent a lumping appropriation. When these items were seen, he should be ready to make such appropriations as should seem necessary.

Mr. GALLATIN said, the great reason for objecting to the Naval Establishment being included with the Military, was this: an appropriation on account of the Military Establishment was made early in every session, before any estimate could be settled; but this was a sum on account of an establishment going on under authority of law, the appropriation for which was looked upon almost as a matter of form; but the Naval Establishment was altogether a doubtful thing. Before more money could be appropriated there was a previous question to be settled. They knew it must cease if the House refused to grant about \$200,000 more to complete the frigates now building. Until that question was decided, he should not be inclined to vote any money for that purpose; for, if they were now to appropriate a sum of money on that account, they should pledge themselves to make good the whole appropriation. And, although there might be a large majority in favor of completing the frigates, it was not according to order to vote for an object not appropriated for by law. The building of the frigates, it was true, was authorized by law, but the business was confined by an appropriation. In order to complete them, 25 per cent. more than was last year contemplated was now wanted, and until it was decided that that sum should be appropriated, no appropriation on that account would be warranted. It was on this account he made his motion.

Mr. SWANWICK said, they had not yet passed the law with respect to the Military Establishment. He thought the Military and Naval Establishments were connected together, and that it would be as wise to strike out one as the other. To strike out the word in question, Mr. S. said, would be like prejudging the question. Because more money was wanted his colleague thought the subject new; but, on the contrary, he believed, the moment they concluded to build the frigates, they determined to complete them. If they cost more than was expected, what was it different from a house costing more than was first estimated by the builder? Yet what man would stop at the second story of his house because he had been deceived as to the expense of completing it? He thought the question was decided last session, when it was said that three frigates should be built, and it would be a little extraordinary were they now to doubt on the subject.

If the gentleman had moved to postpone the consideration of this resolution wholly, in order to wait for the subject coming before them, he should have had no particular objection to it; but he had an objection to vote for one and not the other. He thought the Military Establishment a constant waste of money; but he had a more favorable opinion with respect to the Naval Establishment. He trusted all gentlemen who supported indirect taxation would now vote for supporting a Navy, since there would be no secu-

rity of any revenue from that source without a Navy; but he hoped these frigates would be the means of preserving millions to our revenue; for, although it was true, these two or three frigates would not enable us to fight the whole world, yet there were multitudes of piccaroons which took our vessels at pleasure, and which these frigates would keep off our coast. But, if they were to agree to strike out the word *naval*, what, he asked, would the world think of us? He believed such a measure would encourage injuries to be played off upon us from all quarters. To attend to the Military Establishment, and neglect the Naval, would be to add strength to strength, and leave weakness unprotected. He hoped they should not let an idea go forth to the world that their frigates were likely at last to be abandoned. If the question was now, whether they would go into a Naval Establishment at all, it would be a different thing from having done so much, and refusing to complete the work already in such forwardness. He trusted they should not make themselves the ridicule of the world by withholding the necessary appropriations for completing the building of these vessels.

Mr. CORR hoped the amendment would not prevail. He had himself doubts about the propriety of this Navy going on; but he thought the motion should be carried as proposed.

Mr. NICHOLAS hoped the amendment would prevail; for though they had a law on the Naval Establishment, doubts were entertained whether the plan would be carried forward. He asked, if it would not be more proper and more decent to pursue the course chalked out by the gentleman from Pennsylvania, than to vote for money for an object that was yet undecided upon? He said, they had a report on the subject, and a day or two would determine what they should do with respect to it. And would it not be more orderly to take up the subject from the report than to do it in this manner? He believed it would, and that an appropriation might be made at the same time with this. Though the Legislature had determined to finish these frigates, gentlemen were still in doubt whether they ought to be finished. He was himself in doubt. He had, last session, been induced to vote for finishing the frigates, because so much money had already been expended; but he was now of opinion, from a further examination into the subject, that if they were to abandon them, though the loss would be great, they should gain what would warn them from future similar folly.

Mr. MURRAY said, it was unnecessary for them to decide to-day or to-morrow whether this country should have a Naval Establishment or not. If it were determined to-morrow that there should be no establishment of this kind, it would become a question of economy whether it would not be better to finish the frigates, whatever might be the event, than to give them up to rot on the stocks. So that the question was not now, nor could it become so, whether there should be a Navy, but whether the frigates should be finished? He hoped they would be finished. If they were

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not, they would become (as it had been already hinted) a monument of disgrace to the country. He trusted, however, that the frigates would not only be built, but that a dock-yard, which would prove a cradle of the Navy, would also be agreed to be established.

Mr. MADISON said, it was unusual and improper to make appropriations for any object before it was legalized; and if the object now in question was not legalized, he agreed with the gentleman from Pennsylvania [Mr. GALLATIN] that, however certain it might be that the law would pass, before it did pass, it was not right to appropriate for that object. The law should first be before them. As he saw no evil which could arise from letting the business lie over for a few days, until the subject of the frigates had been determined upon, he should be in favor of the motion for striking out, not meaning by this vote to declare his unwillingness to vote for the sum necessary for completing the frigates when that question should come before them.

Mr. PARKER said, as his colleague seemed to have some doubt with respect to the legality of voting for the present resolution, he would read him an extract from the law of last session, which was as decided for building the frigates, and which bound the expense upon them, as certain as was that of the Military Establishment. [He read the extract alluded to.] In consequence of this law, he said, the PRESIDENT had pursued the business, and had expended, a month ago, all the money appropriated, except \$24 000.

If it was apprehended (as he had heard it suggested that it was) that any part of the money appropriated for this object was to go towards building a frigate at Portsmouth, in New Hampshire, he would declare the friends of this measure had no such intention. He should be as much opposed to that as any gentleman. This money would go to the building of no other vessels than to three, which had been authorized to be finished last session, which he considered themselves as much bound to complete as they were bound to appropriate for the Military Establishment. And, if money was not now appropriated, the workmen employed would have to be discharged; and a considerable loss occasioned. Indeed, he believed the delay and the expenses, with respect to these vessels, had been, in a considerable degree, occasioned by the versatility of that House.

Mr. P. said, he thought now, and had always thought, that if we were determined to have no armed vessels, we had no business with commerce, since a row-boat, with a gun or two, and a few men in it, was capable of taking our largest and most valuable ships. Mr. P. said, he was for supporting the dignity of our country. He hoped we were not in a situation to be afraid of any nation. He wished to be in readiness to meet any enemy, either with frigate or bayonet, who should choose to attack us. At present, he said, our merchants were losing their property daily, to an immense amount; indeed, many of them were almost ruined by their losses; and if we suffered them to be thus ruined, he believed the farmers, and every

other class of citizens, would find themselves affected by their misfortunes.

It was time, Mr. P. said, we should put ourselves on rising ground, and provide means for supporting our dignity; for unless we put on this countenance, we should be degraded and insulted by all nations. He cared not who was their Executive Magistrate, he would support him in doing what he conceived to be right. He would, therefore, vote for every measure which went to put us into a situation of meeting any nation who might choose to insult and attack us; he would, for this purpose, vote for direct taxes, nor should he be afraid that the people, seeing the necessity, would not cheerfully pay them.

Mr. ISAAC SMITH was against the amendment. He trusted they should not, by withholding the necessary appropriations, suffer the workmen now employed upon the frigates to be discharged, but that they would be proceeded with to their completion. Economy should always be the order of the day; and if they were at last suffered to rot, after so much forwardness, it would argue a great want of economy. It was said the business was begun in folly, but, if they were now to be abandoned, it would end in greater.

Mr. W. SMITH was surprised that the gentleman from Virginia [Mr. MADISON] should have said an appropriation on this subject would not be authorized by law. [Mr. MADISON denied having said so.] Last session, Mr. S. said, that House consented to the passing of a law to authorize the PRESIDENT to construct three frigates. In consequence of which law the PRESIDENT had proceeded with the business, and the officers of Government now told them they wanted money to pay the workmen; but these gentlemen say they will refuse, until it be determined whether the frigates should be finished or not. He thought this very extraordinary conduct. If gentlemen were disposed at any rate to destroy the Naval Establishment, why not bring in a bill at once to repeal the law? This, he said, would be the direct way of getting rid of the business; but, after employing the PRESIDENT to build these frigates, he thought it strange that, when they were told money was wanting to carry on the work, that they should withhold it, from a doubt of the legality of such an appropriation.

It was said by the gentleman from Pennsylvania [Mr. GALLATIN] that there was money in hand, and therefore no necessity for an appropriation on this head; but the chairman of the committee, who had made the report on that subject, [Mr. PARKER,] had informed them, and it was some time since that report was made, that the money was therefore expended, and more was now wanted. Mr. S. said, he should not then go into arguments to show the propriety of keeping up the Naval Establishment; but, as there was an existing law for the expense, the expense having been incurred, and the officers of Government calling upon them for money, he thought they could not avoid paying it.

The gentleman from Pennsylvania wished this appropriation to be delayed until they determined

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upon the question of finishing the frigates; but did he not know, that in doing this, considerable loss would be incurred by the discharge of the workmen and the perishing of materials? He said they had passed a law declaring they would build three frigates; the law did not say they should cost only so much, but that they should be built. So far from limiting the sum, they had, from time to time, granted additional sums for this purpose. Indeed, he did not think they were at liberty to refuse this appropriation.

Mr. GILES said, if he understood this question, it was, whether they should appropriate first, and then discuss the propriety of doing so, or discuss the propriety and then appropriate? It was not a question whether the frigates should be completed, but merely a question as to the proper time of making the appropriation.

For his part, Mr. G. said; he was against the building of them at all, and always had been. He believed that candor would not permit the business to be called by a milder term than folly, and the farther they proceed in the project the worse it would be.

Mr. G. said, the House should doubtless first take up the report on the subject, and determine whether or not they were willing to furnish the \$200,000 wanted. As to what the gentleman from South Carolina had said with respect to their not being at liberty to refuse this appropriation, he did not understand it. If they had not this liberty, why make any appropriation at all? Why was the business brought before them if they had no choice to act or not to act? He was one of those, he said, who thought that House was always at liberty to say whether they would appropriate money or refuse to appropriate it. He hoped, therefore, the motion would prevail.

Mr. VENABLE said, the objection to the proposed grant of money did not go against the appropriation itself so much as against the principle, as being an anticipation of law; for he did not suppose that the present appropriation was meant to include the whole of the money wanted; but before he agreed to vote any more money to this object, he wished to see the items of expense. He did not see any necessity for making an appropriation now, when it was probable they should next week be called upon to make another. He did not think the merits of the question was at all before them, but merely whether they would consent to appropriate a further sum of money before they had come to a decision upon a previous question, viz: whether the House would agree to furnish the necessary money for the completion of the frigates?

Mr. W. SMITH said, the objection of the gentleman last up went to the Military Establishment as well as to the Naval. With respect to their not being at liberty to refuse the appropriation, he meant only to say, that having authorized the PRESIDENT to lay out money, they were not at liberty to refuse to pay it.

Mr. VARNUM said, if the fact existed, the conclusion of the gentleman from South Carolina would be just. If expense had been incurred, and

it was not provided for, it certainly ought to be; but it was not so. The committee who had reported on the subject, had told them that a month ago there were \$24,000 in hand unexpended; but it had been said that it was probably now expended. He did not believe it was probable; he did not believe a thousand dollars a day had been laid out upon the frigates since that time. Indeed, he did not think that, northward of this place, the work had gone on at all, owing to the severity of the frost. Besides, if the fact had existed, would it not have been in evidence before them? If the PRESIDENT had incurred an expense for which no provision had been made, would he not have stated it to the House? He certainly would, and this statement not having been made, there was every reason to believe there was yet money in hand, and why this anticipation should be so strenuously urged he was at a loss to know. The Military Establishment, he said, was quite a different thing. They knew there had been expense incurred under that head, and could have no objection to appropriate money on account of it.

Mr. SWANWICK referred to the letter of the Secretary of the Treasury to show that the money was really wanted to carry on the work.

The question on the amendment was put and carried—ayes 42, noes 34.

The resolution, as amended, was then agreed to. The Committee rose; the House took it up and agreed to the amendment, and referred the resolution to the Committee of Ways and Means to bring in a bill.

The House then adjourned.

WEDNESDAY, February 1.

LOST CERTIFICATES.

Mr. FOSTER, from the Committee of Claims, reported on the petitions of Barnt De Klyn, Jacob Hollingsworth, Archibald Johnson, James Powell, Elizabeth Stewart, and Peter Winter, who all prayed a renewal of lost certificates; the report was against the petitioners, and the House concurred therewith.

Mr. CHRISTIE observed, that he expected a general report would have been made on this subject, and not that the petitions would have been reported upon particularly. He trusted some redress would be afforded to persons who held certificates which had been lost, and wished the decision upon these petitions to be postponed until the subject had been determined upon by the House.

Mr. D. FOSTER suggested whether it would not be best to bring the business before the House, independently of any particular case.

Mr. CHRISTIE consented to do so, and afterwards proposed the following resolution to the House:

“Resolved, That provision ought to be made by law for a renewal, under specific restrictions, of certificates which have been destroyed, of certain descriptions.”

This resolution was agreed to, and referred to a select committee. Messrs. COIT, R. SPRIGG, PATTON, VARNUM, and BLOUNT, were accordingly appointed to examine and report thereon.

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Post Offices, and Post Roads.

[H. of R.]

SUABILITY OF STATES.

The following resolution was received from the Senate, viz :

"Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President be requested to adopt some speedy and effectual means of obtaining from the States of Connecticut, New Jersey, Pennsylvania, Maryland, Virginia, Kentucky, Tennessee, and South Carolina, whether they have ratified the amendment proposed by Congress to the Constitution of the United States, concerning the suability of States; if they have, to obtain evidences thereof."

It was read a second time; when

Mr. W. SMITH said, he thought this resolution would be best referred to a Committee of the Whole, as perhaps it might be amended, by proposing some other alterations to the Constitution.

Mr. DENT thought this purpose would be best answered by a reference to a select committee in the first instance.

Mr. SMITH withdrew his motion, and the resolution was referred to a select committee.

MESSRS. HARPER, FREEMAN, GOODRICH, ISAAC SMITH, and HARRISON, were appointed.

COUNTING VOTES FOR PRESIDENT.

The resolution received from the Senate yesterday relative to the appointment of a committee to ascertain the election of PRESIDENT and VICE PRESIDENT, and to appoint a time and place for administering the oath of office to the PRESIDENT, was taken up, read a second time, and a committee of three members, viz : Mr. SITGREAVES, Mr. JEREMIAH SMITH, and Mr. PARKER, were appointed accordingly, to act in conjunction with the committee appointed by the Senate.

POST OFFICES AND POST ROADS.

Mr. THATCHER moved that the House should resolve itself into a Committee of the Whole upon the bill for regulating Post Offices and Post Roads.

Mr. S. SMITH wished that the subject on the Military Establishment should be entered upon in preference.

Mr. W. SMITH hoped neither of these subjects would be taken up, but business which was of a more pressing nature than either. He meant the business of the revenue. A string of resolutions were yesterday referred to a Committee of the Whole on the subject of indirect taxes. The House having directed the Committee of Ways and Means to report a bill with a plan for collecting direct taxes, it was necessary they should determine which of the two plans should be pursued; as, until that determination was made, the Committee of Ways and Means were in a state of suspense, and he knew not but by the time they had completed the bill for laying the direct tax, the House might have determined not to resort to direct, but to push indirect taxes still further. He would, therefore, move that the House resolve itself into a Committee of the Whole on the resolutions alluded to, together with that formerly proposed by the gentleman from South Carolina. If it were found that sufficient revenue could be drawn from indirect sources, and the House chose to adopt

that plan, it would be unnecessary for the system of direct taxes to be further pursued; if not, the Committee of Ways and Means could not report a bill on the subject. As the session was drawing to a close, it was necessary some conclusion should speedily be come to, otherwise they should rise without providing any additional revenue at all.

Mr. THATCHER said, if they attended to one thing at once, he doubted not they should get through the whole of their business. He thought the subject he had proposed was deserving of attention; and if members recollected the many petitions which had been received on the subject, he thought they would agree with him in opinion.

Mr. CRAIK hoped they would not take up the resolutions referred to the Committee of the Whole yesterday, on the subject of indirect taxes. He had not had time to consider them. That House, had adopted the principle of direct taxes, and had directed the Committee of Ways and Means to bring in a bill on the subject. Before they entered upon the discussion of indirect taxes, he should wish to see that bill, in order to ascertain whether any practicable plan could be formed for collecting a direct tax. If it could, it would probably influence the decision of the House upon the resolutions respecting indirect taxes.

The SPEAKER reminded the gentleman from Massachusetts that the question before the House was not whether they should go into a Committee of the Whole on the subject of indirect taxes, but whether they should go into the business of Post Offices and Post Roads.

The question was put and carried—ayes 46, noes 40.

The House accordingly resolved itself into a Committee of the Whole on the bill for regulating Post Offices and Post Roads.

The debate continued the remainder of the sitting—many new roads were proposed. It was observed, on the one side, that to propose new ones or continue the old, it was necessary they should in their products bear a tolerable proportion of the expenses attending postage, &c., as it appeared some of the present roads did not produce more than one-hundredth part of their expenses. On the other hand, it was argued that no estimate could be formed of the produce and advantage of roads in some situations. Any part in the middle of a principal road from one capital to another, might be pointed out as unproductive, and therefore changed, because those post offices did not receive much money, but being a thoroughfare, the extremities of which were productive, the expenses were more than paid. It was also urged, that the reason of many roads being established and continued, was to convey information. It was said to be much to the credit of the United States that information was sent by newspapers into many obscure parts, and, therefore, that while the general receipts of the Post Office Establishment throughout the United States bore the general expenses, every present post-road should be continued, and as many new ones established as the receipts would support, as it was not proper that any money, on such a laudable establishment,

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Laws of Imposts and Tonnage—Lost Certificates.

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should be put into the Treasury. At length, after much uninteresting discussion, Mr. GALLATIN moved the Committee to rise; which was carried—ayes 42, noes 41.

He then moved that the Committee of the Whole should be discharged, and the subject be referred to a select committee.

On the question for the Committee of the Whole to have leave to sit again, it was carried—ayes 48, noes 38.

It was then observed, that if they were to sit again, they might as well have sat until the usual hour. The question was then put for the House again to resolve itself into a Committee on the same subject; which was carried—ayes 47.

The House accordingly went into Committee, and, after more discussion, the House adjourned.

THURSDAY, February 2.

LAWS OF IMPOST AND TONNAGE.

Mr. COIT proposed to the House the following resolution:

"Resolved, That the Secretary of the Treasury be, and he is hereby, directed to prepare and report to the House of Representatives, at the next session of Congress, such a system as will enable the House to comprise into one the various laws which have been made, and are now in force, for laying and collecting duties of impost and tonnage, reducing therein to a specific rate of duty those articles which are now rated according to value, and which, in his opinion, may more advantageously be rated specifically, and conforming, as nearly as may conveniently be done, to the existing rates, agreeably to the tariff directed to be by him reported by a resolution of the House of Representatives of the 3d of March, 1795."

Mr. COIT said, his reason for proposing this resolution was, to bring the whole of the laws on this subject, which were at present very complex, into one view; and he believed this could be better done by the Secretary of the Treasury than in any other way.

The SPEAKER said this resolution was not in order, as there was a rule of the House which directed that no bill could be introduced in a way different from that prescribed by that rule, viz: by appointing a committee, &c.

Mr. PAGE said, if it were not out of order, he should have opposed the reference of such a resolution, as such a measure would be calling upon the Heads of Departments to do their business. He trusted they should not agree to any thing which would carry the appearance of such inattention and laziness.

Mr. COIT said, he did not wish to violate any rule of the House, and he believed the objection might be got over by introducing the word *system* in place of bill. He did not mean to charge the House with laziness and inattention. He knew he was himself, in some degree, lazy and inattentive, and he thought he saw others so, but he did not mean to charge the House with being so.

Mr. HEATH said, though he generally found reason to approve of the accuracy of the gentleman from Connecticut, yet he could not do so in the

present case. In his opinion, it would be infinitely more proper to appoint a committee to do the business, and bring in a bill. To do otherwise would be to transfer the business of the House to Heads of Departments.

Mr. W. SMITH thought gentlemen were making difficulties where there were none. Last session, the Secretary of the Treasury had been directed to report a system of direct taxation; and whilst the House could with propriety require him to do that, they might certainly direct him to report a system for regulating the laws on imposts and tonnage. There were difficulties as to directing him to report a bill, but there could be none in directing him to report a system. The idea of appointing a committee on the subject was a little extraordinary. They could only sit till the 3d of March, and it could not be supposed they could report a system before that time.

Mr. HENDERSON was in favor of the resolution.

Mr. COIT said, he had no other object in view than to get this thing brought into shape; and, if no better plan could be adopted, he hoped his motion would prevail.

Mr. W. SMITH proposed an amendment, viz: instead of the words, "for comprising into one the various laws," &c., to say, "such a system as shall enable the House to comprise into one."

The resolution, with the amendment, was then agreed to.

A message was received from the Senate informing the House that, conformable to rule, they had appointed Mr. SEDGWICK on their part, teller of the votes for PRESIDENT and VICE PRESIDENT.

LOST CERTIFICATES.

Mr. DENT said if there were any more petitions on the subject of lost certificates before the Committee of Claims, he should wish them to be discharged from a further consideration of them, since a committee had been appointed to make a report as to the propriety of affording relief in certain cases.

Mr. D. FOSTER said there were a number of cases before them of a similar kind, part of which the committee had decided upon, but not drawn out the reports. If the House chose to discharge them from the subject, they certainly could have no objection to it.

Mr. DENT moved that the Committee of Claims be discharged from a further consideration of any petitions on the subject of lost or destroyed certificates.

Mr. MACON saw no necessity for this motion, as, if it were determined to make provision for sufferers in certain cases, the cases of those persons whose petitions had been reported upon would stand in the same situation with others.

Mr. R. SPRIGG hoped the motion would prevail. It would come with a bad grace to propose a law for the relief of these persons another session (for he did not expect anything to be done in the business this session) when their cases had been decided upon in a former session, and the more cases which had been decided upon, the greater weight they would have. He thought, therefore, it would

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be best for these petitions to lie until the committee appointed should make their report: for, if it should be determined that, in certain cases, allowances should be made for lost or destroyed certificates, it would prove to have been a waste of time to make the decisions they were now daily making upon them.

Mr. COIT hoped the motion would not prevail, as it was taken for granted that some provision would be made in these cases. The objections urged might afford good reason for not acting upon the reports, but not for discharging the Committee of Claims from a consideration of them.

The motion was put and negatived.

POST OFFICES AND POST ROADS.

The House then resolved itself into a Committee of the Whole on the bill in addition to the act to establish the Post Office and Post Roads within the United States.

After the business of the roads was gone through, and that part of the bill which relates to newspapers came under consideration, an amendment was proposed by Mr. NICHOLAS, which occasioned some debate. The bill directed "that no newspapers should be received by the Deputy Postmasters, to be conveyed by post, unless they were *sufficiently dried and enclosed in proper wrappers*. The amendment proposed to strike out the words printed in *italic*.

Messrs. THATCHER, HARPER, and JEREMIAH SMITH, supported the clause as it stood. They said that it was owing to the papers being put into the Post Office wet, that the directions became defaced, and persons at a distance were disappointed in the receipt of their papers. This was said to be particularly the case with respect to papers sent from this city to the Southern States, and not that newspapers only were spoiled by this means, but that letters also were liable to be defaced and injured. All this inconvenience and injury, it was alleged, would be remedied by the papers being dried (which would be attended with very little trouble to the printers) and would secure their being safely conveyed to the most distant parts of the Union.

The amendment was supported by the mover, Messrs. SWANWICK, MURRAY, PAGE, S. SMITH, and W. LYMAN. There was no necessity, they said, for this regulation. Printers would find it to their interest to pack up their papers so as to get safely to their customers; but were it to pass, it would oblige the printers of daily papers to keep a person wholly employed in drying papers; and, beside the expense, from the extra fire necessary, it would subject them to great danger from that calamity which had lately been experienced by one of the printers of this city: and so far from this being attended with little trouble (as had been intimated) it would be so great as to increase the price of a daily paper at least two dollars a year. The regulation would also operate more unfavorable on some printers than on others; for instance, morning papers printed in this city must be in the Post Office before seven o'clock, of course, persons must be employed the

whole of the night in drying and packing them, or they must be delayed a day for the purpose of drying, whilst those printed in an afternoon (though at considerable trouble and expense) could be dried and packed in the course of the evening, so as to be sent by the same post as heretofore. Such a provision, it was observed, would also give the Postmaster a power of showing an undue partiality to favorite printers, by refusing papers from their competitors on the ground of their not being sufficiently dry. With respect to the wetness of the papers defacing their directions, it was believed there were causes of that defacement besides their being packed up wet. Mr. PAGE, in particular, said, they were frequently suffered to be wet with rain, thrown carelessly about, and trodden under foot! This he had seen. And, as to their injuring letters, Mr. S. SMITH said, this was impossible, as the papers and letters were packed up in separate bags.

The motion for striking out the words was carried—41 to 23.

The last clause of the bill occasioned considerable debate. It was in these words:

"That the Postmaster General be authorized to discontinue carrying a mail on any post road which shall not produce more than one-fifth part of the expense of carrying the mail on the same during the third year after the passing of this act."

Mr. SITGREAVES moved to strike out this clause.

Messrs. THATCHER, DAYTON, WILLIAMS, and VARNUM, were for retaining it. They said that it was necessary to have some check of this sort, as when new roads were proposed, they were voted for in the dark, as probably not one-fifth part of the House were acquainted with the country in which they were to pass; if these roads, therefore, after a certain time, did not produce some certain portion of the expense of conveying the mail, it was proper they should be discontinued, as every unproductive and unnecessary road prevented the establishment of more useful and productive ones; and, though it was a settled principle that the profits arising from one part of the Union should go to the establishment of post roads in other parts, yet it was an injury and injustice to the whole to continue roads which would not pay one-fifth of the expense of conveying the mail. Mr. THATCHER, in particular, said that it was necessary there should be some check upon the House with respect to this subject; for when a road was once established, however unprofitable it might be, there was no getting it discontinued; as, while a member of that House had a letter to send to his constituents, he wished to have a post established for the purpose of conveying it.

The amendment was supported by Messrs. SITGREAVES, MURRAY, W. LYMAN, SWANWICK, MADISON, CRAIK, and GALLATIN. It was said, the power proposed to be given to the Postmaster General was a discretionary Legislative power, which belonged to that House, and could not be imparted to any other body or person; that though it was possible unprofitable roads might be established—from the partiality of members to their

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own district of country—yet to remedy this, evil in the way proposed, would be to introduce a greater; besides, it was said, it would be next to impracticable to ascertain exactly when a road produced less than one-fifth of the expense attending it. It was also found necessary to keep up some roads, though they did not pay one-fifth, viz: such as roads to Kentucky, Tennessee, to Niagara, &c., and therefore the Postmaster General was *authorized*, instead of being *directed*, to discontinue such roads as did not produce such a sum, which was, in effect, giving him the power to establish post roads. The Postmaster General, they remarked, might give the necessary information to the House, as to what roads were unprofitable, and they could, if they thought proper, discontinue them; but this power ought not to rest with any one man. The act might also be limited in its duration, and when it was renewed a review of the roads might take place.

The question for striking out was put and carried.

Mr. MADISON then proposed the following section in its stead, which was agreed to:

"That it shall be the duty of the Postmaster General to make a report annually, to Congress, of every post road which shall not have produced one-fifth part of the expense of carrying the mail on the same."

The Committee then rose, and reported the bill with the amendments.

FRIDAY, February 3.

Mr. DEARBORN, from the committee appointed, presented, according to order, a bill to augment the compensation of the Attorney General of the United States, which was received and read. He also presented a bill to continue in force the act "to regulate the compensation of clerks." These bills were read a second time, and committed to a Committee of the Whole on Monday next.

COUNTING VOTES FOR PRESIDENT, &c.

Mr. SITGREAVES, from the committee appointed on the part of this House, jointly with a committee appointed on the part of the Senate, to ascertain and report a mode of examining the votes for PRESIDENT and VICE PRESIDENT, and of notifying the persons elected of their election, and to regulate the time, place, and manner of administering the oath of office to the PRESIDENT, made a report, in part, which he delivered in at the Clerk's table, where the same was twice read, and agreed to by the House, as follows:

"That the two Houses shall assemble in the Chamber of the House of Representatives on Wednesday next at twelve o'clock: That two persons be appointed tellers, on the part of this House, to make a list of the votes as they shall be declared: That the result shall be delivered to the PRESIDENT of the Senate, who shall announce the state of the vote, and the persons elected, to the two Houses assembled as aforesaid; which shall be deemed a declaration of the persons elected PRESIDENT and VICE PRESIDENT; and, together

with a list of votes, be entered on the Journals of the two Houses."

Resolved, That Mr. SITGREAVES and Mr. PARKER be appointed tellers on the part of this House, pursuant to the said report.

ILLINOIS AND WABASH LANDS.

Mr. JEREMIAH SMITH, from the committee to whom was referred the petition of the Illinois and Wabash Land Companies, made a report, to this effect: That the committee had met the committee of the Senate on the subject, and that they had determined it to be expedient to adopt the report made by the Senate on this subject in March, 1792. The claims of the petitioners were said to be founded on two deeds, viz: one of July, 1773, the other of October 18, 1775, and they proposed to surrender the whole of their claim to the United States, on condition that the United States would guaranty to them one-fourth part thereof. It was the opinion of the committee, however, that these companies had no legal title to the said lands, and they proposed a resolution to the House that the prayer of the petition could not be granted. Mr. S. gave notice that he should call up this report for decision on Monday morning.

Mr. W. SMITH, from the Committee of Ways and Means, reported a bill for the support of Government, and a partial appropriation for the Military Establishment for the year 1797. It was read a second time, and ordered to be committed to a Committee of the Whole on Monday.

The committee to whom it was referred to inquire what progress had been made in carrying into effect the law relative to grants of lands for military services, and whether any alterations were necessary therein, reported, that owing to the difficulty attending the appointment of a Surveyor General, no progress had been made therein, and that no alterations were necessary in the present law. Laid on the table.

GEORGE CALVERT.

Mr. DWIGHT FOSTER, from the Committee of Claims, made a report on the petition of George Calvert, one of the chiefs and warriors of the Chickasaw nation. The petitioner prayed for compensation for provisions furnished to a party of the inhabitants of the State of Tennessee, who went into the Chickasaw nation to assist them in a war against the Creeks. The committee report, that though the motives of the said inhabitants might be good, as the expedition was unauthorized by Government, and might prove a bad example in future, that as they were not bound by Treaty to support the Chickasaws in their wars, it would not be right to establish any precedent which might countenance that principle; they were, therefore, of opinion, that any claim on this subject would be best left to the PRESIDENT, who was competent to determine on the subject; they, therefore, reported that the prayer of the petition could not be granted.

Mr. A. JACKSON moved that this report be referred to a Committee of the Whole, to whom were referred the reports on the petitions of James

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Post Offices and Post Roads—Military Establishment.

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Orr and the widow of the Hanging Maw. Agreed to.

POST OFFICES AND POST ROADS.

The House then entered upon the order of the day, which was the report of the Committee of the Whole on the bill regulating Post Offices and Post Roads. The amendments were considered and agreed to, and several additional ones made.

Some debate took place on a motion made by Mr. CHRISTIE to add a new section to the bill, directing a new post office to be established at the Little Falls of Gunpowder, betwixt Harford and Baltimore. His reason for moving this section was, he had applied very often to the Postmaster General in vain to get an office established there, though it was much wanted on account of several manufactories in the neighborhood. The Postmaster General had always told him that he could not fix a post office there, on account of the danger there would be of the mail being robbed. [It seems the mail was once robbed on that road.]

This principle of directing where a post office should be established was opposed by Messrs. THATCHER and HARTLEY as unprecedented.

Mr. SITGREAVES proposed a way of avoiding that objection. He said that it had been invariably the practice of the Postmaster to make every place mentioned by name in the act a place of deposit for the post; he therefore suggested the propriety of introducing the place proposed by name into the bill.

Mr. CHRISTIE accordingly moved these words as an amendment: "From Harford to Baltimore, shall be by the Little Falls of Gunpowder;" which was agreed to.

In debating on this amendment, some notice was taken of what fell from Mr. THATCHER yesterday, with respect to a "check being put upon that House."

Mr. W. LYMAN said he thought the expression used, viz: "That the Postmaster General would be a proper check to that House," was an indignity committed against the House, since they had no other check than the good sense of the community.

Mr. KITTERA observed, in reply, that that House had certainly other checks besides the good sense of the community: there was one check upon them up-stairs and another in the PRESIDENT.

Mr. S. SMITH thought, if they gave power to an Executive officer, and he did not exercise it, that House ought to check him, and not he them. The Postmaster General refused to establish a post-road at the request of the inhabitants of a certain district, and those persons now apply through their Representatives to Congress for redress. He trusted they would have an office established. In answer to Mr. THATCHER, who had doubted whether there was any person living at the place proposed who could be intrusted with the office, he said there was an inhabitant of Little Falls who was able to purchase half the Province of Maine, of which Mr. THATCHER is the Representative.

The bill was ordered to be engrossed for a third reading on Monday.

MILITARY ESTABLISHMENT.

On motion of Mr. S. SMITH, the House resolved itself into a Committee of the Whole, upon the bill regulating the Military Establishment.

Mr. S. said there was some variation in the bill from the report referred to the Committee: they had struck out the whole of the 11th section of the old act which related to an allowance of extra provisions to the troops employed to the Westward. [The clause was read.] The cause of this extra provision, he said, no longer existed, and therefore they had thought proper to omit the clause, that the troops employed in every quarter might have the same allowance. As chairman of the committee, he thought it necessary to give this information.

Mr. COIT moved to strike out the section which directs that the four regiments of infantry shall be reduced to three. He did not know that the affairs of this country were so much changed for the better, since the last year, as to justify this reduction. He said he was no military man, but he believed great inconveniences would arise from a derangement in the officers by the proposed reduction.

Mr. WILLIAMS said this subject had been already fully discussed, and it had been determined that three regiments would be adequate to all our wants, as those three would contain all the troops now in actual service. The additional expense of keeping up what were called skeletons of regiments of officers, without men, might very well be avoided. When our finances were in so low a state as at present, it was necessary to retrench every unnecessary expense. Indeed, he had heard nothing which could induce him to change his former opinion on the subject. There were only, he said, about 2,500 men in the service, and three regiments with sixteen companies of artillery would afford officers sufficient for the men. To raise men in time of peace, when we wanted the sinews of war, he could not consent to.

Mr. S. SMITH said, since the business was last before the House, he had obtained a list of the posts at which men were placed, and the number of men in each. It was not a perfectly accurate return, but it was as nearly so as he had been able to procure. By this estimate, it appeared that 2,628 men were stationed on the Northwestern and Southern frontiers. Some of the posts, it was true, would be relinquished as unnecessary, but others would be necessary. [Mr. S. delivered in the list at the Clerk's table, and it was read.]

Mr. RUTHERFORD saw no necessity for the present motion, as the business had already been determined upon. Many of the garrisons which had not been mentioned, he said, were perfectly unnecessary. An extensive Military Establishment was an evil in any country; and shall the American people, said he, lean on this support? No; the yeomanry of this country would always be ready to defend it.

Mr. GALLATIN said they had no information before them which led him to suppose that more than three regiments would be wanted. As to the list which had been produced, no kind of conclu-

sion could be drawn from it, because one-half of the posts there mentioned were to be evacuated, viz: all that chain from Fort Washington to the Lakes, in which, according to the list before them, were upwards of 1,000 men.

He would just mention what the expense of the rations, pay, and clothing of a regiment, was: it was \$94,628. He would add, that it was important, not only as it respected the rations, pay, and clothing, of a regiment, that the nominal estimate of our Army should be reduced, because the saving would not only apply to those articles, but to the contingencies, as the Quartermaster's department and every other contingent expense was proportioned in proportion to the establishment; and the greater the appropriation, the greater would be the expense, as there was always as much money expended as was appropriated, and always would be, when left to the discretion of the Heads of Departments, as no Department, except the Treasury, had any check upon their expenses, but the amount of the appropriation. Indeed, the expense of the Military Establishment had kept continually swelling; for, though the real amount of men was not more than one-half of the nominal number, the expenses were always equal to the nominal number. The real saving, by striking off the regiment proposed, would be at least \$100,000, exclusive of all contingencies. He hoped, therefore, the motion would not prevail.

Mr. S. SMITH did not think it was a good reason for reducing the Military Establishment, because it would be a saving of money to do so, for the same reasoning would go to the destruction of the whole. Mr. S. believed that the pay, rations, clothing, the Hospital department, and Quartermaster's department, for a regiment of men, would be \$150,000. It was but fair that the House should know this; but he did not think the cost only ought to be their guide in this matter.

There was one thing which he had frequently urged, but which did not seem to be sufficiently attended to: The forming of officers to their duty took a number of years; and when they were so formed, it was prudent to keep them in the service. It would be said, officers could at all times be got. He denied that experienced officers could at all times be got, and the fighting part was the least essential: for he believed (as he had before said) there were more men killed for want of care than by an enemy. The skeleton of a regiment ought to be kept up. It was good policy to keep such men in the service, as they would preserve the men in health and proper order. This doctrine, he supposed, would be laughed at by any but military men; but he was confident the trifling expense to Government of keeping up these officers was nothing when compared to their usefulness. But, when it should be known that our meritorious officers had been discharged from service, without notice, seven or eight hundred miles from their homes, which they had to travel at their own expense; that when we had done with them they were thrown upon the wide world without provision, men of respectability would refuse to go into the service, and none but the refuse of the people,

who could not be provided for any other way, would enter our lists; and those who were best capable of commanding our soldiers, would retire dissatisfied and disgusted.

Mr. HARTLEY said he had delivered his opinion on a former occasion on this subject. He still thought they had no solid ground for making the reduction. It was said there were many posts unnecessary, but he believed all that had been mentioned as useless would not be found so. Mr. H. spoke of the route which would be necessary to be taken between Pittsburg and Fort Franklin, up the Alleghany, and said it would be policy to employ soldiers in working the batteaux, rather than have to hire men for the purpose. More posts, he said, would certainly be wanted on the waters of the Mississippi; and he did not think less than the four regiments would be sufficient. Mr. H. followed Mr. SMITH in speaking of the injustice which would be done to officers by the proposed reduction.

Mr. WILLIAMS said, when they called upon their constituents for revenue, it was necessary they should give some reason for the call. If in 1792 the country was defended by two regiments, they might certainly now be defended by three; but, if the present motion prevailed, they should have double the number. What use, then, will it have been to the United States to have had the Western posts given up? Whilst the British possessed them, they were said to be the cause of disorders on the frontiers, by exciting the Indians against us; yet, now they were given up, we were to keep up additional troops. This seemed to say they must be at a greater expense in peace than in war. Mr. W. then went over the different sums allowed as the price of peace with the Indians, which amounted to ninety thousand dollars per annum, besides which, the last session, one hundred and fifty thousand dollars had been expended in order to get goods amongst them. Taking these sums together, they made a very serious amount; and he thought they ought, at all events, to retrench the expenses of Government wherever they could.

Whatever gentlemen might say about the distressing of officers by discharging them, no officer, when he entered into the service, could consider himself as engaged for a longer term than that for which the service should want him. With respect to making officers an allowance on their being discharged, he had no objection to that, at least for the time which it required to travel to their own homes; and, in all probability, were they to frame a proper Militia law, a number of them might be employed in that service to advantage, since it would be very desirable to keep up a regular discipline in the Militia. These officers being dispersed throughout the Union, they would be of great service in this respect.

Upon the whole, the expense of four regiments, in our present circumstances, was too great. If he thought them necessary, he would give his vote for them; but, in time of peace, he saw no necessity for more than the three regiments.

Mr. MURRAY hoped the motion would succeed, because all he had heard from gentlemen who

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opposed the retaining the four regiments convinced him they were necessary. He should be glad if the gentleman from Pennsylvania, (Mr. GALLATIN,) would show him any reason why less troops should be kept up this year than were kept up last. That gentleman had not reasoned with his usual logic on this occasion. He argued, as if it were taken for granted, that the only object was to save money, but had not attempted to show that four regiments were unnecessary.

That gentleman had said, that the interior posts might be abandoned, and the troops now in them might be sent upon the frontier; but, for that reason, he would rather augment than diminish the Military Establishment. Few men might serve to guard an inner post; but when these men were sent one hundred miles further back, that moment it became necessary to increase their numbers, because no aid could be given them in case they should want it.

The gentleman from New York (Mr. WILLIAMS) had said, that he was surprised that it should be thought the Military Establishment should be larger now than in 1792. But, Mr. M. said, a moment's reflection would have told that gentleman that the extreme poverty of the Military Establishment at that time was the source of a most melancholy event; for, in November, in the preceding year, a regiment was almost wholly cut off. Congress afterwards became more liberal, and the Military Establishment was enlarged. This was certainly, then, an unfortunate period to refer to, as an example for the present day, when such destruction took place for want of sufficient military force. There was great impolicy both as to the numbers of our military and as to the duration of their term of service. The necessity of enlarging the establishment had, however, at the time alluded to, been forced upon the Government.

Mr. M. said, the Militia were inadequate to the service of defending the country, and much more expensive than troops. He had supposed for three years past, that the Militia system would have been abandoned in favor of regular troops, as they had been found the best and cheapest. The events of the last three or four years have fully evinced this.

But, said Mr. M., if the Military Establishment is to be cut down, I would advise gentlemen to go through with the matter, and move a repeal of the law which empowers the PRESIDENT to call out the Militia at a great expense; because, if they did not mean still to use the most expensive sort of defence; if they were sincere in their assertions that less military force was necessary, let them show that they were willing to give up military defence, and repeal the law which may call out a frontier defence, particularly the mountain militia, who were paid, he believed, a dollar a day while in service. This would convince him that their hearts were at ease with respect to the necessity of a Military Establishment.

We have the most extensive frontier, said Mr. M., except Russia, of any nation in the world; and Russia had not only a large frontier, but had

also a similar sort of natives in their back country that we have. What, then, did Russia do? They were obliged to do as the Romans did—to keep up extensive military posts. Nothing so grand as that idea had ever entered this country; but, on the contrary, a parsimonious spirit on all occasions seemed to pervade that House. They tell the people they mean to economize; but, in fact, they were neglecting an establishment which all nations had found necessary—an establishment that was worth infinitely more than any paltry saving which might be made by its curtailment, and the breaking down of which might subject the country to the most serious misfortunes.

Mr. RUTHERFORD said, since this matter came into debate, it was necessary to reason upon it. It was necessary, he said, for the Representatives of a free people to pay constant attention to the disposition of the people at large; and this disposition, he was confident, was in opposition to a large Military Establishment. Among the powers delegated to them, he said, was the raising of armies; but if this power was overstrained, the people had a right to complain. To say to them, We cannot trust you, without a large military force to guard us, was an insult to the people at large. He could not, therefore, at a time when money was becoming every hour more precious, consent to the proposed amendment.

Mr. GALLATIN said, the gentleman from Maryland [Mr. MURRAY] seemed to suppose that after having said it was proper to economize, he [Mr. G.] had not gone far enough; and that there was no ground for making the Military Establishment lower this year than last year. He thought there was considerable difference between this year and last. Last year he voted for making the establishment what it was. Indeed, no actual reduction of the troops then took place; it was merely a nominal reduction and a new organization. At that time the posts on the Lakes, the possession of which would naturally draw after them a reduction of military force, were not secured. It was on this ground that no reduction took place; but, when peace was secured with the Indians from North to South, and the posts were in our hands, it was proper to think of reducing our military, and to compare our present force with what it was before the Indian war.

The gentleman from Maryland had said, that from the very reason that the chain of interior posts was unnecessary, a greater number of men would be wanted for the exterior posts, and that the possession of the posts on the Lakes required a large number of men to guard them. So that, according to that gentleman, the acquirement of those posts from the British would have no other effect than to increase our expense, for they could not be considered as giving any security against the Indians, if a greater number of troops were necessary to defend them than were formerly employed on the frontier.

Mr. G. said he differed in opinion from that gentleman; for he believed fewer troops would be necessary at the posts on the Lakes than were heretofore employed in the posts from the Ohio

to the Lakes. If, indeed, it were necessary to have a line of posts beyond those which had been surrendered by the British, it would be requisite that the number of troops should be increased; but he did not believe any such necessity existed. He did not see either the necessity of having posts upon Lake Michilimackinac, the Illinois river, or the Mississippi. They might, in some respects, prove convenient, but that convenience would by no means be equal to the expense which would be incurred.

Mr. G. said, he should return to his position, viz: that the three regiments proposed to be kept up would afford a sufficiency of men for all the posts, and this he would show from the paper which had been laid upon the table by the gentleman from Maryland. He then enumerated a number of posts which might be given up, in which it was reported there were upwards of one thousand men. These, Mr. G. said, would all be useless. At Detroit there were five hundred and twenty-four men, and he believed two or three hundred would be quite sufficient, or perhaps a smaller number. So that men enough might be spared to garrison one or two posts on the Mississippi; because, it ought to be observed, that there would not be a less effective number of men, when the four regiments were reduced to three, than at present.

The number of men being nearly the same, the only argument used for retaining the four regiments was, to keep up the officers so as to form a skeleton of a regiment. He wished when officers were discharged, that some compensation should be made to them; but, however averse he was to the exposing of these men to disappointment, yet this was not to influence him to keep men in pay who could be of no service. If officers were not wanted, they ought to be discharged; and this remark not only applied to the military but the civil department.

The gentleman from Maryland had said, that if those who were in favor of a reduction of the military force were really sincere in their wish to reduce the expense under this head, they would move a repeal of the law which gives to the PRESIDENT the power of calling out the Militia. But, he would ask the gentleman, what that law cost the Union whilst it lay unexecuted? It was a provision against danger; calculated to save money, and not to expend it. It was proper an authority of this kind should be lodged somewhere, to be ready for exercise in case of emergency; as, without such a provision, not only the present establishment, but any establishment which it was in our power to raise, would prove inadequate to a proper defence: to such a defence as was capable to make by means of our Militia. Instead of three thousand, fifteen thousand men would not be sufficient. But suppose he were to propose the repeal which the gentlemen had mentioned, should he not be charged with wishing to abridge the power of the PRESIDENT, and with a want of confidence in his wisdom? He was confident, however, that such a charge would never be brought against him on this ground. If the gen-

tleman from Maryland thought such a thing desirable, he might himself make the motion; if he did, he should vote against it, because he thought the power a necessary power.

It was true, as the gentleman had said, that we had the most extensive frontier of any other country; but what was the conclusion to be drawn from this? Was it that we should have a large Military Establishment to defend that frontier? Where would this opinion lead them? If it were necessary to defend the frontier by military force, it must be such an one as would be equal to the purpose, and this would require more men than they should be either willing or able to support. No man, Mr. G. said, could be more interested than he and his constituents in preserving peace on the frontier; but he knew that an army was not adequate to this purpose. In time of war, indeed, a military force might prevent certain depredations on particular spots, but with respect to those predatory incursions which the Indians made upon the frontiers in time of peace, an army never had, nor ever would prevent them.

What that gentleman called a necessary establishment, or a large standing army, his ideas of which he seemed to have drawn from foreign countries, was wholly premature when applied to this country. We were not, he said, if such an institution was desirable, (which was by no means the case,) in a situation to support the expense of a Military Establishment. Our finances were low, and the price of labor was higher than in any other part of the world. These two reasons would be an effectual bar to so extensive a system. It was enough that we were a happy people; but if gentlemen wished to anticipate what it was only in the power of time to effect, to make us a powerful nation also, they would find their vanity disappointed. He called it vanity, because such an attempt could only issue in an increase of our Public Debt.

Mr. G. concluded with saying it was necessary to retrench expense wherever it could be done; and, as the Military Establishment was a source in which the most material savings could be expected to be made, he trusted the present motion would not prevail.

Mr. S. SMITH said, if a stranger had heard what had fallen from the gentleman last up, he would have supposed that they were about to establish a large standing army. And yet what was the establishment they were about to make? Truly, it was an establishment of sixteen hundred and sixty men! And yet this had called forth all this declamation. He had wondered to hear that gentleman so incorrect in his statement, and he had been the more surprised, because he was generally more correct than any other man in that House. He had told them of certain posts, which might be given up, (amongst which were Forts Washington and Franklin, which Mr. S. thought necessary to be retained,) in which one thousand men were employed. He agreed with him in this; but he should have gone a little further, and showed that after these one thousand men were deducted from the number said to be

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in the different posts, there would still be a larger number of men wanted than there would be to supply them, if a regiment was struck off. Besides which, he said, it would be necessary to have posts on the Mississippi, at the Natchez, and at Michilimackinac.

The gentleman from New York [Mr. WILLIAMS] wished our present force to be upon the same footing as in 1792. He would look into that matter, and if he could show to him that the four regiments would not be equal to what we had then, he should expect he would vote for their continuance. In April, 1790, he said, we had twelve hundred and sixteen officers, non-commissioned officers, and privates; in March, 1791, a regiment of nine hundred and twelve was added—making a force of two thousand one hundred and twenty-eight men. This, it would be seen, was considerably more than our present force, and yet we had now to protect the out-posts formerly in possession of the British, besides all other parts of the United States. In 1791, he said, the force had not been found sufficient, and the PRESIDENT raised another regiment for six months, and, like the flying camps, they were lost. It was time for us, he said, to grow wiser from experience; but experience seemed to be lost upon us. Yet this we called economy; but he called it dissipation.

Mr. S. said we had a number of posts on the Atlantic shore. It was true, there had been a new corps of artillery raised, which might be equal to the protection of them. In consequence of the misfortune of 1791, they determined in 1792, that three additional regiments of infantry should be raised. Three regiments were raised, and they were to go out of service at the end of the war. These were three regiments of upwards of nine hundred men each. At no time had we less than two regiments containing 1,920 men, though gentlemen now wished them to be reduced to somewhat more than 1,200.

Did gentlemen reflect, he asked, in what situation they would leave the new PRESIDENT, by such a measure, who had to succeed a man whose popularity, perhaps, would never be equalled? Was it right to put him in a situation in which he might be disgraced? For, if any misfortune were to befall the country hereafter, it would immediately be said by the people, if GEORGE WASHINGTON had been at the helm, this would not have happened. Notwithstanding he was free to acknowledge the wisdom and patriotism of the successor to the Presidential Chair, he did not expect him to have all the confidence which was placed in his predecessor. Would it, then, be prudent or just, to put him in a worse situation with respect to military force, than he was in? He thought not. Let us not, said he, deprive him of that small force which is at present in being, and, by that means, take from him, perhaps, the means of preserving peace on our frontier.

Mr. GALLATIN said that, in comparing the present establishment with that of 1792, the gentleman from Maryland had omitted to notice the corps of artillery which had been raised since that time. He said he had made the comparison, and

he was confident that, when the four regiments were reduced to three, there would not be more than one hundred men of difference betwixt them. He did not recollect on which side the difference lay.

Mr. S. SMITH said, he did not forget the artillery.

Mr. BALDWIN observed, he felt at a loss how to vote for want of information on the subject. From the calculation given them when the question was before under discussion by the gentleman from Massachusetts, [Mr. DEARBORN,] it appeared that two-thirds of the force retained was to be employed on the Northern frontier. The paper on the table agreed pretty much with the statement they then received as to numbers, which might be considered rather as the old plan than the new. If they knew exactly where the new posts were to be established, and the number of men wanted for them, they would be able to form a more correct judgment on the occasion. He saw only one regiment contemplated for the Southern frontier; and he could not conceive it possible that it could be supposed that if one regiment was sufficient to protect that frontier which bordered upon Florida, and on Indians more troublesome than on any other part of our frontier, that two regiments were necessary on the Northwestern frontier. If they had twelve companies for the Northern and twelve for the Southern frontier, and kept the artillery and engineers on the Atlantic coast, he thought they would be quite sufficient; since he could not believe that more troops were necessary on the Northern than on the Southern frontier.

The Committee rose, and had leave to sit again.

It was moved that the House adjourn to Monday. This motion was opposed; but was consented to, from a representation that weighty business before the Committee of Ways and Means required more time than could be given to it on days of meeting.

MONDAY, February 6.

The bill in addition to the act, entitled "An act to establish the Post Office and Post Roads within the United States," was read the third time, and passed.

Mr. SWANWICK presented a memorial of Stephen Addington, of Germantown, in the State of Pennsylvania, calico printer, which was read, praying the aid and patronage of Congress, in the establishment of a manufactory for printing and staining of muslins and linens, within the United States.

Mr. MALBONE presented a petition of Francis Brinley and others, manufacturers of cordage in Newport, in the State of Rhode Island, praying that an additional duty may be imposed on foreign cordage, imported into the United States; or that such other encouragement may be given to the manufacture of cordage within the United States, as to the wisdom of Congress shall seem fit.

Ordered, That the said memorial and petition

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be referred to the Committee of Commerce and Manufactures.

PENSION CLAIMS.

Mr. DWIGHT FOSTER, from the Committee of Claims, to whom was referred a letter from the Secretary of War, of the 20th ultimo, accompanying a list of the names of certain claimants to be placed on the pension list, who have been examined by physicians, and also the returns of the examining physicians thereon, made pursuant to a resolution of the two Houses of Congress, of the 18th of April last, made a report, which he delivered in at the Clerk's table, where the same was twice read, and, on the question put thereupon, agreed to by the House, as follows:

"That, on a full investigation of the documents referred to them, they find the persons hereafter named have complied with the requisitions of the law respecting pensions for invalids, and are entitled to the several rates of pension annexed to their names, respectively—that is to say—

"Of the District of New Hampshire :

"Joseph Goodridge, a private, half a pension; Joseph Patterson, a private, half a pension.

"Of the District of Vermont :

"Joseph Tyler, a private, half a pension; Isaac Webster, a sergeant, half a pension.

"Of the District of New York :

"Stephen Kellogg, a private, a full pension; Garret Oblenis, a private, half a pension; William Scot, a major, a full pension; Finley Stewart, a batteau-man, three-fourths of a pension; Thomas Ward, a corporal, a full pension.

"Of the District of Maryland :

"Philip Casson, a lieutenant, a full pension.

"Of the District of Virginia :

"Joshua Davidson, a dragoon, three-fourths of a pension; Jonathan Dyer, a private, a full pension.

"Of the District of North Carolina :

"David McKissick, a captain, half a pension; Joseph Singletary, jr., a private, three-fourths of a pension; Ithamar Singletary, a private, one-fourth of a pension; William Simson, a private, half a pension; Joseph Wasson, a private, a full pension.

"Resolved, That the Secretary for the Department of War be, and he is hereby, directed to place on the pension list of the United States, the several persons before named, who have been returned as pension claimants, by the Judges of several districts, pursuant to an act of Congress, passed the twenty-eighth day of February, one thousand seven hundred and ninety-three, entitled 'An act to regulate claims to invalid pensions,' at the rates and proportions annexed to the names of the said persons, respectively.

"Resolved, That the pensions allowed by this act shall be estimated at the same rates, receivable on the same conditions, and payable in the same manner, as directed in like cases, by the act of the twentieth day of April, one thousand seven hundred and ninety-six, entitled 'An act authorizing and directing the Secretary of War to place the persons therein named on the pension list.'

Ordered, That a bill or bills be brought in, pursuant to the said report, and that the Committee of Claims do prepare and bring in the same.

BUOYS IN BOSTON HARBOR.

Mr. SWANWICK, from the Committee of Commerce and Manufactures, made a report on the petition of the Chamber of Commerce of Boston, praying for the placing of certain buoys in the harbor of Boston. The committee recommended that this business should be postponed till the next session.

Mr. AMES was not satisfied with the reasons of postponement. He need not say how important the commerce of Boston was. Many ships, and what was yet worse, many lives had been lost. The buoys would probably save in one season more than the whole would cost. No port in America was of more difficult access.

Mr. SWANWICK did not think that there was time in the present session for entering upon the business. Besides, he was at a loss to know where the money should come from. He wished that to be known before the appropriations were made.

Mr. DEARBORN said, that the whole expense would not be more than fifteen hundred dollars. There were a great variety of islands and shoals, and only a light-house for the direction of shipping.

Mr. AMES observed, that more time would be spent in debating about the report than would have been requisite for passing a bill. As to the fact that buoys were greatly wanted, it had received dreadful confirmation. No harbor in the United States had seen such tragedies of shipwreck in approaching to it. He did not believe that the House would refuse the buoys. By a delay, thirty times the value of so trifling an expense might be lost. So large a part of the public revenue was collected from that harbor as justly entitled it to public attention. The memorial was signed not only by the Marine Society of Boston, but by so many other respectable names, and which were known to so many members in that House to be respectable, that he could not persuade himself of the House suffering the matter to go by in this way.

Mr. CORT moved that the report should be re-committed. He could not help thinking it a slovenly way of doing business to report that there was not time. The committee would not have required longer to say what was their opinion.

The report was re-committed.

SHIPS' REGISTERS.

Mr. SWANWICK, from the Committee of Commerce and Manufactures, presented a bill in addition to an act, entitled "An act concerning the registering and recording of ships or vessels;" and to an act, entitled "An act for enrolling and licensing ships or vessels employed in the coasting trade and fisheries, and for regulating the same;" which was received and read the first and second time, and ordered to be committed to a Committee of the Whole House to-morrow.

LOST CERTIFICATES.

Mr. CORT, from the committee to whom was referred a motion of the 1st instant, relative to

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provision by law, under specific restrictions, for the renewal of destroyed certificates of certain descriptions, made a report, which he delivered at the Clerk's table, where the same was read, as follows:

"That no provision appears to be made by the United States for the renewal of destroyed certificates of any kind, except those of the description called Loan Office certificates and those called final settlements.

"That, by resolutions of Congress of the 10th of May and 18th of July, 1780, provision was made for the renewal of Loan Office certificates destroyed, on proper proof made of the destruction of such certificates to the officers of the Treasury.

"That, by act of Congress of the 24th of April, 1794, the provisions of the said act were extended to certificates of the description called final settlements; other regulations were made respecting the renewal of Loan Office certificates and those called final settlements; and it was declared that all claims for renewal of Loan Office certificates and final settlements not presented at the Treasury on or before the 1st day of June, 1795, should be barred.

"That, by the act of Congress of the 3d of March, 1795, all certificates commonly called Loan Office certificates, final settlements, and indents of interest, outstanding at the time of passing the said act, and which should not be presented at the office of the Auditor of the Treasury on or before the 1st day of January, 1797, were declared to be forever after barred or precluded from settlement or allowance.

"That most of the cases where certificates of the Public Debt are said to have been destroyed took place long before the passing of the said act of the 24th of April, 1794, and probably a great proportion of them before the passing of the said resolution of the 10th of May, 1780; from which circumstance, as well as from the nature of the subject, it would be extremely difficult, if not impossible, at this time, to guard against fraud and imposition, should further provision be made for renewing them; and the committee cannot find stronger reasons in favor of keeping in force the statute of limitations in relation to any class of claims than that contemplated in the resolution referred to them. The committee are, therefore, of the opinion that the House ought not to agree to the same."

Mr. C. said, the old Congress had been very liberal relative to the renewal of certificates by the two acts above mentioned; but as the persons holding original certificates were now effectually barred, it was their opinion that such as had been destroyed ought not to stand on higher ground than such as had not been destroyed. And, unless there was an intention of doing away the statute of limitation altogether, they could not see why it should give way, in this particular case, especially since it was one in which so much imposition might be practised.

Mr. GREENUP said he should vote against this report. No species of public securities was better guarded than this. Distant parts of the country, he said, had never heard of the law for admitting these claims until it was expired. He thought it should be extended for a year or two more. He knew there were many just claims in the part of the country from which he came.

Mr. SITGREAVES declared his intention of vot-

ing against this report. He came to Congress, he said, with strong convictions that great injustice was done in rejecting claims upon Government, and his experience since he came here had not removed that sentiment. He was convinced that justice was refused to many claimants; and he thought that class of claimants who had possessed evidences of Public Debt, but had lost them, was entitled to relief. He did not agree with the gentleman from Connecticut, that because it was possible frauds might take place, no relief should be granted. He thought frauds might easily be prevented. It struck him as a strange kind of reasoning to say, that if the holders of the original tickets were not admitted, neither ought those who had lost their certificates, since their having lost them might be the reason why they were not presented in time. He hoped the report would be disagreed to.

Mr. HARPER coincided in opinion with the last speaker.

Mr. HEATH hoped the report would be concurred in. To grant relief in this particular case would be a partial administration of justice, and an injustice to a crowd of other claimants whose claims were equally well founded. If the act of limitation were to be taken off in any case, he said, no set of men had a greater claim to regard than the poor soldier who had fought our battles, and who, by misfortune or accident, had been prevented from applying in time for the satisfaction of his equitable claim. He hoped, therefore, this report would be agreed to.

Mr. S. SMITH spoke against the report.

Mr. MACON said, this subject had nothing to do with the statute of limitation. An act had been passed to allow time for those certificates to be brought in, and as they had not been brought in, he did not think any further provision ought to be made.

The question was then taken by yeas and nays, and the report was agreed to—yeas 49, nays 37, as follows:

YEAS.—Theodorus Bailey, Abraham Baldwin, Thomas Blount, Theophilus Bradbury, Richard Brent, Nathan Bryan, Daniel Buck, Thomas Claiborne, Joshua Coit, Isaac Coles, William Cooper, James Davenport, Abiel Foster, Dwight Foster, Jesse Franklin, Ezekiel Gilbert, William B. Grove, Wade Hampton, George Hancock, Carter B. Harrison, Thomas Hartley, Jonathan N. Havens, John Heath, Andrew Jackson, John Wilkes Kittera, George Leonard, Matthew Locke, Samuel Lyman, William Lyman, Samuel Maclay, Nathaniel Macon, Francis Malbone, John Milledge, Josiah Parker, John Patton, Francis Preston, John S. Sherburne, Thompson J. Skinner, Jeremiah Smith, Israel Smith, Isaac Smith, William Smith, William Strudwick, Zephaniah Swift, Mark Thompson, Joseph B. Varnum, Abraham Venable, Peleg Wadsworth, and John Williams.

NAYS.—David Bard, Dempsey Burges, Gabriel Christie, John Clopton, William Craik, Samuel W. Dana, Henry Dearborn, George Dent, George Ege, William Findley, Nathaniel Freeman, jr., Albert Gallatin, Nicholas Gilman, Henry Glen, Christopher Greenup, Andrew Gregg, Robert Goodloe Harper, John Hathorn, William Hindman, James Holland, Andrew Moore,

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Frederick A. Muhlenberg, Anthony New, Alexander D. Orr, John Page, Elisha R. Potter, John Reed, John Richards, Robert Rutherford, Samuel Sewall, Samuel Sitgreaves, Samuel Smith, Richard Sprigg, jr., George Thatcher, Richard Thomas, John E. Van Allen, and Richard Winn.

COMPENSATION TO COLLECTORS, &c.

Mr. SWANWICK, from the Committee of Commerce and Manufactures, to whom was recommit- ted, on the 30th ultimo, the bill relative to the compensations of certain officers employed in the collection of the duties of imposts and tonnage, reported an amendatory bill relative to the compensations of certain officers employed in the collection of impost and tonnage; which was received, and read the first time.

The said bill was read the second time, and ordered to be committed to a Committee of the Whole House on Wednesday next.

MONEYS DUE FROM REVENUE OFFICERS.

On motion by Mr. W. SMITH, it was

Resolved, That the Committee of Ways and Means, to whom it was referred on the 21st of December last, to inquire and report whether any, or what, alterations are necessary in the laws to enforce the payment of moneys due from the various revenue officers of the United States, be instructed to report thereon by bill or otherwise."

RECEIVERS' ACCOUNTS.

Mr. W. SMITH, from the Committee of Ways and Means, presented, according to order, a bill to provide more effectually for the settlement of accounts between the United States and Receivers of Public Money; which was received, and read the first and second time, and ordered to be committed to a Committee of the Whole House on Friday next.

DUTY ON SPIRITS.

On motion by Mr. GALLATIN, it was

Resolved, That a committee be appointed to inquire into the expediency of repealing the restriction in the fifty-sixth section of the act, entitled 'An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled in the United States, and for appropriating the same,' so far as the said restriction respects any domestic distilled spirits which may be exported from the district of Louisville, in the State of Kentucky, or from any district which may be hereafter established on the rivers Mississippi and Ohio, or the branches thereof, and to report by bill or otherwise."

Ordered, That Mr. GALLATIN, Mr. COIT, and Mr. SKINNER, be appointed a committee pursuant to the said resolution.

MILITARY ESTABLISHMENT.

The House then went into a Committee of the Whole on the bill regulating the Military Establishment; and the motion for striking out the clause relative to the three regiments of infantry, for the purpose of inserting four, being under consideration—

Mr. WILLIAMS said, he did not intend to have

spoken again on this subject, had it not been for some observations which had fallen from a gentleman [Mr. S. SMITH] from Maryland. That gentleman had observed that the retaining the four regiments would not produce as many troops as the establishment of 1792, which had been contended for by him. Let us, said Mr. W., compare the pay of the troops in 1792 with the estimate for the present year. The pay of the troops in 1792 was \$147,771 11. The estimate for the present year for the pay of the troops is \$246,970 31, if the clause is struck out. In this calculation, however, is the allowance of the Major General and his aids to the time they were to be continued; but when we add the pay of the Brigadier General and others, in the bill before us, we may calculate at least on \$250,000. If then, said Mr. W., we have not as many troops now as we had in 1792, how comes this vast augmentation of pay? But the gentleman had omitted to mention the twelve companies of artillery, which, with the great addition of officers in consequence of the changing the establishment, was the cause. And, said Mr. W., the system which he had proposed the other day to reduce the four regiments of infantry to two, on the same principle as the establishment in the year 1792, would have lessened the expense and had an equal force; but this was overruled. The changing the establishment of 1792, if the motion is agreed to, will be an addition of one Brigadier General and the officers annexed thereto, two Lieutenant Colonels Commandant, two Majors, two Paymasters, two Surgeons, four Surgeon's Mates, eight Captains, eight Lieutenants, and eight Ensigns. Yet, says that gentleman, we shall not have as many troops as in 1792. Where, then, is the propriety in asking us to agree to the motion? If the clause stands in the bill, have we now more troops than will complete the sixteen companies of artillery, which, is 992, exclusive of officers and three regiments of infantry, agreeably to the establishment of the 28th of May, 1796, which amounts to 1,506, non-commissioned officers, musicians, and privates; which, being added together, makes 2,498, exclusive of officers? If these are nearly the number now in service, as was supposed to be the case by the gentleman from Massachusetts, [Mr. DEARBORN,] which, by the by, is all the information we have, why augment that number? We find in the estimates \$16,000 for bounties, premium to officers, &c. Should the reduction take place, the greater part of this sum would not be wanted. The expenses of the Hospital department in the year 1792 was \$4,835 67; in the estimate for the present year it is \$30,000. In short, said Mr. W., let gentlemen turn over the estimates, and pause for a moment, and he was confident the motion would not obtain.

If the bill is passed, as reported, we shall then have one Brigadier General, one Quartermaster General, one Inspector General, one Paymaster General, four Lieutenant Colonels Commandant, ten Majors, four Surgeons, eighteen Surgeon's Mates, one principal Artificer, one second Artificer, four Paymasters, five Adjutants, forty-two Captains, sixty-eight Lieu-

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tenants, twenty-four Ensigns—total 186 officers and 2,493 non-commissioned officers, musicians, and privates. These, he contended, were sufficient for a Peace Establishment, and to be stationed as follows: On the sea-coast, six companies; in Georgia, five companies; in Tennessee, three companies; at the Natchez, three companies; near the mouth of the Ohio, one company; near the mouth of the Illinois, one company; on Lake Michigan, two companies; Michilimackinac, two companies; Detroit, four companies; Fort on the Miami, one company; Fort Wayne, &c., two companies; Presqu'Isle, one company; Niagara, four companies; Oswego, one company; Fort Franklin, &c., on the Alleghany, one company; Fort Hamilton, &c., three companies—total forty companies, which is according to the establishment by the bill.

Mr. W. said, that the number of troops estimated by the Secretary of War to be kept at Detroit, was about a regiment. This, he supposed, was in consequence of its being said that a number of inhabitants adjacent thereto were unfriendly. If this was the case, which he did not believe, they must, in June or July next, by the Treaty, either remove or be considered American citizens; so that, in either case, the number contemplated would not be wanted.

Mr. W. said, he was persuaded that the number of officers and men, contained in the bill before them, was adequate to a peace establishment. Had the gentleman's motion been for an additional battalion of artillerists, it would, in our present situation, have had weight with him; because the duty of the artillery is not merely mechanical, but requires to be studied. If this is omitted, and any difficulty were to arise, the want of experience would be detrimental; for, if we are inexperienced, the business must be put in the hands of foreign adventurers, soldiers of fortune. If, then, we can make a saving in the infantry, and augment our defence on the sea-coast, by improving our fortifications, and in the protection of our commerce, ought we not to embrace it? Have not that class of our citizens who have laid out vast sums in buildings, &c., in our capitals, a demand on us for protection; and, in doing this, are we not securing our revenue? What is the situation of our fortifications, harbors, &c.? Are they not in a situation truly discouraging to the citizens? It is a duty incumbent on us to pursue every necessary and prudent measure to encourage their industry and usefulness.

The motion before us, said Mr. W., is for a defence where it is declared, by those who are most likely to be in danger if any difficulty should arise with the Indians, no danger is to be apprehended. Who, then, is this force to benefit? The gentleman from Connecticut [Mr. Corr?] He would insure him from the depredation of the Indians; for, when they were aided by Burgoyne's army, they did not get within one hundred miles of that gentleman; and if the gentleman from Maryland is under any apprehension, those on the frontiers of Pennsylvania will check any invasion towards them. He was sorry to hear the gentleman from

Connecticut make the motion, because he had generally found him an economist. It was but a few days since he moved to strike out a few dollars for a doorkeeper, whilst this item would save at least \$100,000. Mr. W. observed, that the gentlemen in favor of the motion had two objections to the clause. The one was, they were afraid of the Indians, and the other, that it would be imprudent to discharge the officers. With respect to the first, said Mr. W., unless that gentleman can make it appear that it is for the interest of the Indians to go to war, he could not entertain an idea that it would be the case; and if it were so, what would that establishment be towards the defence of this country? If a war was to be apprehended, are the troops that we now have properly stationed? Not even a sergeant's guard is contemplated in the paper from the Secretary of War, on Lake Champlain. They had no troops, nor were there any on the frontier from the sea, in the Province of Maine, to Oswego. The Militia, he conceived, were the best troops on the frontiers, and the disciplined troops on the sea-coast. The latter ought to be chiefly artillery.

With respect to the reduction of the officers, it is only to examine the different laws by which they were created officers, in which we find there is an uniformity of sentiment, that they are only to serve a given time; but any part, or the whole, to be discharged when not wanted. The second and third sections of the act of the 9th of May, 1794, prohibit any enlistment after three years from the time of passing the act; and in the sixteenth section of the same act it is declared that the PRESIDENT may order the forbearance to raise or to discharge any part, &c. From these observations it appears the officers knew, when they were appointed, upon what principle the appointment took place, and it was optional with them to accept or not. It is a poor compliment paid to an officer to be told, "Sir, your service is no longer wanted, but, fearing you cannot support yourself, we will support you." Let us, said Mr. W., pay them well for a reasonable time, and give them a chance to enter into a business more serviceable to the community; and, even in this case, we shall save the subsistence, &c. Mr. W. observed, that he was apprehensive we should do the officers much greater injury to keep them in service and not pay them; for, said he, in taking the yeas and nays, he had observed that gentleman had voted to retain the payment, and had opposed the direct tax. If gentlemen's observations are to be relied on, that the laying on more duties on imposts will not augment the revenue, and no other tax is agreed on, where is the money to come from to pay these troops? For his part, he saw the difficulty. The session is so near the close, that little can be expected to be raised this year by a direct tax. The difficulty of arranging such a law, and the passing of it this session, was doubtful. If, Mr. W. said, the bill was according to his wish, he should vote against it, if the produce thereof was to be appropriated to troops which he conceived were not wanted. Direct taxes never ought to be imposed unless our commerce is in-

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terraptured, or for the express purpose of discharging the National Debt.

Mr. COOPER said, he highly approved of saving money, and was no friend to standing armies; but, when it was proposed to disband a part of our little army for the purpose of saving money, and that at the expense of a reproach upon the nation, he could not content himself by giving a silent vote upon the occasion. When they were about to starve their public officers, by refusing to advance their salaries; when they talked of stopping the building of our frigates, and suffering them to rot upon the stocks; when they were proposing to discharge one regiment of our infantry out of four—he thought such measures were dishonorable to the United States as an independent nation, who had friends and allies with great and respectable nations, who might read that the Legislature of this country was engaged in discussing the propriety of making a saving in its expenses, by striking off 400 men from its Army. Wonderful calculation! to say that three regiments are necessary, but that four are not.

Notwithstanding this calculation, he should make a different one, which he thought would justify him in voting for the present motion. If it was true, what his colleague [Mr. WILLIAMS] had stated last session, that great advantages were to arise from a trade with Canada, (and he believed it were,) it followed that we required as many troops to keep possession of the posts formerly occupied by the British as were employed in and by them, or more, because, he said, we must make ports of entry and delivery on the margin of our country. He hoped, therefore, his colleague would be convinced of the impolicy of striking out one regiment from our present establishment. Besides, if we are thus to strike off our officers, we should not find men ambitious to serve us in future, when our necessities might need them.

Mr. S. SMITH said, the committee had frequently been called upon to give an account of the posts in which the men were to be stationed, and the number which would be required. They had found it difficult to obtain information on this subject. The Secretary of War had given them only the posts heretofore occupied, with a number of men employed. He had, however, obtained other information, which he believed pretty correct, with respect to the posts necessary to be garrisoned in future, and the number of men required for each. He said they were as follows:

Otsego	-	-	-	62
Niagara	-	-	-	124
Presqu'Isle	-	-	-	124
Detroit	-	-	-	248
Michilimackinac	-	-	-	124
Chicago	-	-	-	124
Opie	-	-	-	62
Caschatca	-	-	-	124
Massac	-	-	-	62
Fort Knox	-	-	-	62
Fort Washington	-	-	-	62
Pittsburg and Franklin	-	-	-	124
Fort Wayne	-	-	-	186

Walnut Hills	-	-	-	62
Natchez	-	-	-	248
Southwestern Territory	-	-	-	124
Georgia	-	-	-	372
Total	-	-	-	2,294

In 1792, Mr. S. said, the estimate was 1,920 infantry and 300 artillery, making 2,220; and, according to the present establishment, he said, they were—

Four regiments of infantry, which, when full, are	-	-	-	1,984
One regiment of artillery	-	-	-	764
				2,748

This was under a supposition that the regiments were always complete, and, therefore, if 15 per cent. were deducted it would give the real number. The list he had given contemplated nearly an equal number of men for the Southern and Northern frontier.

The gentleman from New York [Mr. WILLIAMS] had made some observations, which it might be necessary to notice. He had stated the pay of the establishment in 1792 to be \$147,000; but he would recollect that the pay of the men then was only three dollars a month, whilst at present it was four. He should also recollect that there were now six companies of artillery more than in 1792; and if he took this variation in price with that of a dollar a month, it would be found to come to much the same thing. There was a great difference also in the price of rations. Flour at Pittsburg was then at three dollars, now it was eight or ten. Beef and all other supplies were in the same proportion, and, therefore, no wonder need be made at the difference of price, as it arose out of the natural course of things. There was a great difference also in the price of clothing, for, since 1791, the duty upon articles imported had been nearly doubled.

When the gentleman from New York spoke of the Militia as a proper defence for the frontier, he contemplated his own situation only. The distance between the frontier and parts where any Militia could be had, was too great to think of wholly relying upon them—in some cases upwards of three hundred miles. It was in a few parts only where Militia could be called upon. He had heard with pleasure, some days ago, what the gentleman from Virginia [Mr. PAGE] had said on the subject of the post which was cut off by the Indians in 1791, owing to its being too weakly garrisoned. The Spaniards had also suffered a similar loss from the same cause. This was the way, he said, in which experience was purchased; and if the people murmured at such events, they could tell them they had acted from economy.

The gentleman had spoken of the six regiments being reduced to four last session. They were not really reduced, but newly organized and fixed as a permanent establishment. How could officers, therefore, contemplate a discharge at the end of six months? They could not, possibly; and

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he trusted they would have more steadiness than now to change what they had then fixed.

Mr. GALLATIN wished to make a remark or two upon what had fallen from the gentleman from Maryland, [Mr. SMITH.] He thought, by his statement, he had brought the matter to issue. If, from the statement of the posts which that gentleman had produced, he could show several of them to be unnecessary, and which never had been thought of till lately, it would be a conclusive proof that as many men as were estimated to be necessary for them, might be deducted from the number which that gentleman supposed to be necessary, and leave a sufficient number behind. Chicago, at the South end of Lake Michigan, near the head of the Illinois river; Opie, on the river Illinois, and Caschatca, near the mouth of the Illinois river, would not be necessary. Whilst we had a chain of posts from Fort Wayne to Detroit, there was no occasion for any on the outside of these. If it were said they were for the sake of trade, he would answer, that if they were not there the Indians would come forward to the nearest post. These were new establishments, and the troops might well be saved that were intended for these posts.

Again, on the Mississippi: He agreed it would be proper to have a post at the Natchez, but why at Walnut Hills? There was not a single inhabitant within five hundred miles of that place.

These deductions would make a saving of six companies. In the next place, the four companies proposed for Otsego, Franklin, Pittsburg, and Washington, were unnecessary. These, he said, were settlements, and stood in need of no military to defend them. The only plea for some of these posts was to keep up a communication between the Ohio and the Lakes; but this might be done by a storekeeper, as he hoped it would not be thought necessary to have a post with troops wherever they fixed a store.

Mr. G. said, he should not enter into detail with respect to any of the posts already in possession of the United States. He would take it for granted that the statement was right. It was enough to say that those which he had mentioned might be done without.

The gentleman from Maryland had made a small misstatement with respect to the artillery. He had stated the present artillery at 764 men, whereas they consisted of 992 non-commissioned officers and privates. It was from thence it resulted (to which he alluded the other day) that our establishment, if reduced to three regiments would be greater than it was in 1792. It was then two regiments of 960 men each, and one battalion of artillery, whereas at present we should have had three regiments of infantry of 480 men each, and four battalions of artillery.

He should not make any further observations at present, as his only intention was to remark upon the statement which had been laid upon the table.

Mr. COOPER said there seemed to be a mistake in confounding Oswego with Otsego; the former was a settled place, but not the latter.

Mr. RUTHERFORD was sorry to hear the gentlemen persevere on this occasion to keep up a military force. As for his part, he said he was a rough son of nature, and should not pretend to dictate to gentlemen of information; but he must be permitted to deliver his sentiments in his own plain way. Where, said he, are the great characters of 1776? How are we changed in the space of fourteen years! Then, every man was ready to defend his country; but now we were calling out in the tone of women, "Save this great Confederation, by the skeleton of a fourth regiment of infantry and two troops of horse!" When we can raise 200,000 generous Republicans, and 100,000 on horseback! when the people are double and treble to what they were during the revolution, and yet shall we cry out, "O, save us, with a few hired troops!"

How would Warren and Mercer, with a long train of heroes, now no more, blush for their degraded sons, were they now to behold them in their cry for a Standing Army! The people loathe the idea of such a thing; and when it is considered what a scene of idleness and its consequent vices such an establishment furnishes, all good citizens ought to loathe it.

Mr. HOLLAND said, four reasons had been urged for the present motion; the first was, as being necessary to defend our frontiers against the savages; the second, for the purpose of keeping up military discipline; the third, in order to keep up an experienced set of officers; the fourth, as it respected our Chief Magistrate elect. As he had been anticipated in some of his observations, he should be as concise as possible in what he offered to the consideration of the Committee.

With respect to defending the frontier, it was altogether matter of opinion as to what number of troops were necessary for that purpose. No two gentlemen seemed to agree on this point. The gentleman from Maryland had presented them with a list of the posts necessary to be garrisoned, and the number of men requisite for each; but the gentleman from Pennsylvania had shown several of them to be unnecessary; and he must own that he coincided in opinion with that gentleman, because, knowing him to live upon the frontier, he believed him to be a much better judge of what was necessary for its defence than any gentleman who lived at a distance. Arguments, for increasing military strength on our frontier, did not come with a good grace from gentlemen who lived far removed from danger. If gentlemen who were inhabitants of the frontier were satisfied, he thought those who lived at a distance might make themselves easy on the subject.

When the question was before the House the other day, the gentleman from Georgia voted for the reduction of the four regiments to three. Georgia had an extensive frontier; yet, it seemed, they did not think this additional regiment necessary. South Carolina had no frontier. The State of Tennessee had a large frontier, and he believed the member from that State had voted for the reduction. Kentucky was also surrounded by sava-

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ges. That State was also interested in the keeping up of a standing force, as it afforded a market for their produce—yet one of the gentlemen from that State voted against the fourth regiment. The States of Pennsylvania and New York had frontiers, yet the gentlemen living upon them had voted for decreasing the military force. This evidence was so strong to his mind that the three regiments would be sufficient, that he should certainly vote against the present motion.

With respect to discipline, troops placed at such a distance from each other as these would be, could answer but little purpose in this way.

In reference to the officers, which a reduction would displace, it was true some derangement would be occasioned; and he supposed they might not altogether be satisfied with it; but the question was, are they necessary? If not, they ought to be dismissed, and they should rather rejoice than otherwise that the country is in a state to do without them. He should think no man of spirit would choose to receive his country's money, when he was sensible his services were not wanted.

With respect to what had fallen from the gentleman from Maryland, as to the effect a reduction of the military force might have upon our new President, viz: that if any disaster were to happen to this country, it would be said, if GEORGE WASHINGTON had been at the helm, such a misfortune would not have happened—who would say this? Only such as took a superficial view of the matter. This was a strange kind of reasoning. He did not think it necessary to keep up a fourth regiment on this ground.

Taking these four reasons together, they amounted to nothing but that a large Military Establishment was wished to be kept up in time of peace; and he believed any military they might conclude to have, might as well remain in the seaports as go upon the frontiers, as they were of little use in protecting the frontiers. Men placed in such posts seldom went further from their station than the length of their gun-shot, whereas the Militia pursued an Indian when he had done injury to himself or neighbor. But some gentlemen, perhaps, think the Militia should not pursue the Indians in this way when they commit murders on the frontiers; but, for his own part, if an Indian were to come into his neighborhood, and do him a material injury, he should pursue him.

Mr. H. said they ought, at this time, to be very careful how they expended the public money. On this account, he thought it was unnecessary to occupy several of the posts which had been mentioned; those at Detroit and the Natchez might be necessary.

The gentleman from New York [Mr. COOPER] had said all the posts should be garrisoned as strongly as they were garrisoned by the British; and the gentleman from Maryland [Mr. MURRAY] had compared our situation with Russia. He did not think it necessary to compare this country with either of those nations, nor draw our necessities for military force from them. Our citizens were always ready to defend themselves, and

wanted not the examples of other nations to urge them to their duty.

Mr. HEATH said, he was not in the House when this subject was formerly under discussion. He should wish, therefore, to give a few reasons why he should vote for striking out this clause. The only reasons given for retaining it were two—one on account of public economy, and the other because it was not necessary to occupy all the posts which had been mentioned.

Economy, he said, was of great consequence; he was an advocate for it. He knew the distressed situation of the United States for money, and he would grant that it was a good argument against unnecessarily spending money; but he was afraid, lest while they were talking about peace on the frontier, that peace should be broken. For, he would ask any gentleman who had ever attended at all to Indian affairs, whether ever a permanent peace could be had with savages? Nay, it could not be expected, since even European nations kept peace no longer than whilst it suited their interest.

On account of the accession of territory which we had gained by Treaty, it was necessary it should be defended. Perhaps it would be better for us if we confined our dominion; but, having unfortunately extended it, it was necessary to take care of it. Since 1792 we had gone down the Mississippi more than five hundred miles, and, in consequence, posts were necessary to be kept up there. Let us advert to this circumstance, and say whether, when four regiments were necessary before this accession of territory, they were not necessary now; if they were necessary, whether, merely from a squarish economy, they would reject one of them? If they were to do so, it might prove an ill-timed parsimony, which they might have cause to repent of.

He detested a large Military Establishment as much as his colleague when in peace, and would watch over it with as much jealousy; but he would not on that account refuse to keep what was absolutely necessary. If four regiments were agreed to be kept up, they would never be full; and, if they were reduced to three, not more than two-thirds could be expected to be always in readiness. And were these sufficient for the defence of the United States? He denied it, and thought the time an extremely improper one to think of reducing the Military Establishment. If it were, indeed, to increase it, he might object to the measure; but when it was merely to leave it in *statu quo*, he had no doubt on the subject. Indeed, were they to make the proposed reduction, it was probable the Indians might hear of it, and it might have the effect to encourage them to make war upon the frontier—as no peace could be said to be held with them; at best, it could only be called a *truce*.

Mr. HARTLEY said, as he was one of the committee, he thought it necessary to say a few words more on this subject. The gentleman who had been up had said, it was very strange that the Militia was not relied upon. This subject had frequently been brought forward; but it had been

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thought necessary to have regular troops on the frontiers, and that the posts should be extended into the Indian country, for the purpose of cultivating harmony with the Indians. He spoke of the advantages which would be derived from the fur and skin trade, and of the necessity of keeping up posts to protect that trade. It had been said, that the posts at Pittsburg and Washington were unnecessary; but, as he had before observed, the men could be employed in working the batteaux.

The establishment last session, he said, was considered as a Peace Establishment. The PRESIDENT, since that time, had organized the troops; the officers and men had been ordered to their stations, and some of them had already reached their destination in the frozen regions of the North, not apprehending that as soon as they were fairly arrived there, they would hazard being discharged from their service, and left to get home as they could.

He was for economy, but he was also for supporting the Government of our country; such a number of troops as were convenient, and which prevented our citizens from being too often called upon, he was for supporting; and it was a little extraordinary that gentlemen from the frontiers should be so much in favor of calling out their fellow-citizens to the frontiers for the purpose of defending them against the savages.

If the reduction took place, the deficiency would be made by Militia at three times the expense. As to the expense of the regiment in question, he doubted not our citizens would be ready to pay it, and if a land tax was found to be necessary, he would rather pay it than have an Indian war.

The question for striking out was taken, and carried 42 to 41. The Committee rose and had leave to sit again.

TUESDAY, February 7.

THOMAS SPRIGG, from Maryland, appeared and took his seat.

Mr. MADISON, from the committee to whom was referred the petition of Hannah de Neufville, reported that the services and sacrifices of the deceased John de Neufville, during our Revolutionary war, as stated in the memorial, constituted a reasonable claim in behalf of his distressed widow and children, on the justice of the United States, but it would be impossible to ascertain and liquidate the same in a precise sum; but the committee proposed as equal and right that 3,000 dollars should be allowed to be equally divided amongst them. This report was read a second time, and committed to a Committee of the Whole on Friday.

Mr. HARPER laid on the table a set of resolutions as to the method of taking evidence in contested elections.

Mr. HARPER called up a short resolution relative to striking out of a resolution, which he laid on the table the 6th of January last, that part which directs the salaries of officers to be stated: on a division—ayes 27, noes 40.

A message was received from the Senate informing the House that they had agreed to the resolutions for calling upon the debtor States, with amendments, to which they requested the concurrence of the House of Representatives; it was twice read, and referred to a Committee of the Whole to-morrow.

INCREASE OF SALARIES.

A bill was also received from the Senate for increasing the compensation of the members of the Legislature and certain officers of Government; which was read, and, on motion that it be read a second time, it was carried, 33 to 30. It was accordingly read a second time.

The bill contemplates an advance of \$5,000 to the present salary of the PRESIDENT OF THE UNITED STATES, and \$2,000 to the VICE PRESIDENT, to commence on the 4th of March next, and continue for four years; and that the members of the Senate and House of Representatives, the Secretary of State, the Secretary of the Treasury, the Secretary of War, Attorney General, Postmaster General, Assistant Postmaster General, Comptroller of the Treasury, Auditor, Register, Commissioner of the Revenue, Accountant of the War Department, the Secretary of the Senate, the Clerk of the House of Representatives, and the principal clerks employed by them, the Sergeant-at-arms of the House of Representatives, the Door-keepers and Assistant Door-keepers of both Houses, have an advance of 25 per cent. upon their present compensation.

Mr. PARKER moved that the further consideration of this bill be postponed till the first Monday in December next. He said they had lately had the subject of augmenting the salaries of all the officers here mentioned, except the PRESIDENT and VICE PRESIDENT and themselves, under consideration; and as they had resolved to refuse an advance to others, he trusted they should also refuse it to themselves. He thought the present an improper time to go into the subject.

Mr. HARTLEY wished the gentleman would consent to some day next week. He could not say he was ready to agree to the whole of the advances proposed, but he wished the subject to be taken into consideration, and perhaps by the time he had mentioned they might have some further information on the subject of our finances.

Mr. MACON said, the most regular way for the gentleman from Virginia to obtain his object, would be to move to have the bill committed to a Committee of the Whole, and made the order of the day for the 4th of March.

Mr. PARKER made that motion.

Mr. HARTLEY hoped this motion would not be agreed to, as it was a sort of manœuvre to get rid of the subject, which he did not approve. He would either have the bill negatived at once, made the order of some day in the present session, or postponed till the next.

Mr. AMES said gentlemen had no doubt a right to govern their own votes according to their own notions of propriety. No man had a right to prescribe to another. His conscience was no rule to

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any other man. But he thought he was authorized to say, they neither had nor claimed a right to do a right thing in a wrong way. To agree to the motion proposed, would be an insincere way of putting a negative upon the bill. He trusted gentlemen who wished this would do it in a more direct way. The compensation of the PRESIDENT and VICE PRESIDENT could not be augmented, he said, after they had entered upon their office; and to say they would take up the subject for consideration at a time when their powers would not exist, was an evasive manner, which he approved not. It was an easy thing for gentlemen to say *no* on the question, without taking this circuitous way of putting an end to the subject.

Mr. VENABLE thought the view of his colleague would be answered as well by a postponement to the 3d of March as to the 4th, and it would be more orderly. Nor did he think this way of disposing of the business called for the censure which the gentleman from Massachusetts had thrown upon it. It was a question upon which that House had already decided by a considerable majority. No new light had been thrown upon the subject, and he thought it by no means disrespectful to postpone it. It was well known that the effect of this motion would be a postponement for the present session. This was what he wished; and if his colleague would consent to alter his motion to the 3d of March, he should not hesitate to vote for it.

Mr. PARKER had no objection to the motion standing for the 3d of March, though he did not consider the motions for the first Monday in December or the 4th of March as unparliamentary. He thought the salaries of the PRESIDENT and VICE PRESIDENT high enough. The salaries of some of their public officers might at present be somewhat too low, but the time would soon come when the price of living would become lower, and then they would be fully adequate; and therefore he did not wish to see them advanced at present.

Mr. BUCK was opposed to putting off the question till the time contemplated by the present motion. To get rid of the subject in such a way, would be descending from that state of independence which they ought to preserve, and would have the appearance of a slight cast upon another branch of Government. If they were prepared to meet the question, they might as well meet it now as then. To agree to the motion proposed, would show a degree of cowardice, and effectually put it out of their power to consider and determine upon the subject. The Senate, he said, had found sufficient reason to originate this bill, and he thought, if it were only out of complaisance to them, the subject should not be treated in the way proposed. It was said that this subject had already been decided, but he did not think so. There had been no general proposition for augmenting compensation. They had had the subject under view partially, but he knew there were some members (he knew of one at least) who voted against any partial advance, because they thought it should be general. This was his motive. He thought all the officers of Government were upon an equal footing, and therefore he voted against advancing the

salary of one and not of another—not because he thought they were already sufficiently compensated; he did not think they were. He wished, therefore, the subject for a general augmentation to come under discussion. If he should be convinced an advance was improper, he should give it up, and should be against putting the subject off to a time when it could not be considered.

Mr. HARTLEY again urged the propriety of postponing for a shorter period: he mentioned the 17th instant.

Mr. MACON said he was opposed to the bill *in toto*, and he considered the motion of the gentleman from Virginia as meant to try the question. He wished it to stand for the 4th of March, as at first proposed, because, if it stood for the 3d, the subject might be called up and acted upon on the last day of the session. He should therefore renew the 4th of March, because, if there were a majority who wished the bill to be rejected, it was desirable that as little time as possible should be lost upon the subject.

The question for postponing till the 4th March was put and negatived, 46 to 45.

Mr. PARKER then moved to have it postponed till the 3d of March.

Mr. HENDERSON thought it more proper to postpone till the 3d than till the 4th. He was ready, he said, to meet the question, either in a direct or indirect way. He had made a calculation, and found that the advances proposed would amount from \$100,000 to \$110,000. Mr. H. believed our finances were not in a state to admit of this addition to our expenses; besides, he trusted every necessary of life would soon be reduced in price, so as to render any advance of salary to our officers unnecessary.

The question was put and negatived, 57 to 32.

On motion of Mr. HARTLEY, Friday week was proposed and negatived, there being only 35 votes for it.

Mr. GALLATIN moved that the subject should be made the order for this day. He said he had voted for postponing it till the 4th of March, with a view of getting rid of it; but since it must be considered, he wished it to be disposed of as soon as possible.

Mr. SITGREAVES proposed that it be made the order of the day for Monday.

The sense of the House was first taken for Monday and negatived, there being only 41 votes for it. It was then put for this day and carried, there being 58 votes for it.

MILITARY ESTABLISHMENT.

The House then again resolved itself into a Committee of the Whole on the act regulating the Military Establishment, and went through it, without further amendment or debate. The Committee accordingly rose, and reported the bill with the amendment. The House took it up, and the amendment being under consideration—

Mr. HOLLAND called for the yeas and nays upon it.

Mr. FINDLEY said, it would be recollected by a number of members in that House, that he had

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always heretofore been in favor of increasing the Army, as well as the rations and pay of our troops. It might be thought, therefore, when he now voted for reducing it, he should not act consistently; but he believed himself perfectly consistent. His object in increasing our military strength was, by increasing our force, to put a more speedy end to war. Heretofore, he said, they had generally had estimates from the proper departments, which shared a part of the responsibility with them; but, on this occasion, they were groping in the dark. Every information which had been given, had rather been matter of opinion of individual members, and of the Secretary of War, than official; therefore, every one was at liberty to exercise his own opinion.

As far as he was acquainted with the subject, he believed there was no necessity for all the posts which had been mentioned. There was no occasion for any troops at Pittsburg, and very few at Franklin or Presqu'Isle. It had been said, the men might be employed in the batteaux. If this were to be the case, it should be so said in the law, as it had not been usual, nor did he believe the men would be willing to be so employed. Besides, he believed it would be much better to hire men for this purpose when they were wanted. And if the supplies were to be transported by land, persons could always be hired for the purpose. There was no need of guards, he said, in that country, as it was settling very rapidly, and no danger was apprehended from Indians. He believed half the number which had been mentioned would be sufficient for Fort Franklin. If, indeed, it was made a depot, a larger guard would be required. The only danger from the Indians there, was, when they came across the Lake; when they did this, they did it very suddenly.

But gentlemen seemed to have mistaken the object of these troops. They were spoken of as if they were necessary to defend the country. They were not wanted to defend anything but the posts: they were of little use in defending the frontier. They sometimes, indeed, gave information of an attack, and sometimes not. But the defence of the frontier must always rest upon the people themselves, either in the form of militia or of rangers. This was the way in which settlements must be protected in case of war. Where there were settlements, there was, therefore, no need of posts. And a small force was only necessary at the posts, as the Indians would seldom attack a post, knowing the force which was in them. The greatest danger of posts was from the Indians surrounding and starving them out. Heremembered an instance of this kind at Fort Lawrence.

It had been said that the number of men in service would always be one-third less than the nominal number, from a variety of causes. He should wish to provide against this by raising the wages of the men, or by any other way. He did not want skeletons of regiments; but if this evil existed, he should wish to cure it. He should vote for the reduction, because he thought three regiments would provide men enough for all the purposes for which they were wanted.

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Mr. RUTHERFORD again entertained the House on this subject, and in the course of his remarks he said, "he loved a soldier—he had been a soldier himself, and had long marched and fought in his country's cause for nothing a day and found himself."

The motion was, to strike out the following words, viz:

"And be it further enacted, That the President of the United States cause to be arranged the officers, non-commissioned officers, privates, and musicians, of the four regiments of infantry, and two companies of light dragoons, now in service, in such manner as to form and complete, out of the same, three regiments of infantry; and the supernumerary officers shall be considered, from and after the last day of June next, discharged from the service of the United States."

The question was taken, that the House do agree with the Committee of the Whole House in the said amendment, and resolved in the affirmative—yeas 50, nays 44, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, Theophilus Bradbury, Gabriel Christie, Joshua Coit, Wm. Cooper, William Craik, Samuel W. Dana, James Davenport, Henry Dearborn, George Dent, George Ege, Abiel Foster, Dwight Foster, Ezekiel Gilbert, Henry Glen, Chauncey Goodrich, Andrew Gregg, Roger Griswold, George Hancock, Robert Goodloe Harper, Thomas Hartley, John Heath, Thomas Henderson, William Hindman, John Wilkes Kittera, George Leonard, Samuel Lyman, James Madison, Francis Malbone, John Milledge, Frederick A. Muhlenberg, William Vans Murray, Alexander D. Orr, John Page, Josiah Parker, John Patten, Elisha R. Potter, Francis Preston, Samuel Sewall, Samuel Sitgreaves, Nathaniel Smith, Isaac Smith, Samuel Smith, William Smith, Thomas Sprigg, Richard Thomas, Mark Thompson, John E. Van Allen, and Peleg Wadsworth.

NAYS.—Theodorus Bailey, David Bard, Thomas Blount, Nathan Bryan, Daniel Buck, Dempsey Burges, Samuel J. Cabell, Thomas Claiborne, John Clopton, Isaac Coles, William Findley, Jesse Franklin, Nathaniel Freeman, jr., Albert Gallatin, James Gillespie, Nicholas Gilman, Christopher Greenup, William B. Grove, Wade Hampton, Carter B. Harrison, John Hathorn, James Holland, Andrew Jackson, George Jackson, Matthew Locke, Samuel Maclay, Nath'l Macon, Andrew Moore, Anthony New, John Nicholas, John Richards, Robert Rutherford, John S. Sherburne, Thompson J. Skinner, Jeremiah Smith, Israel Smith, Richard Sprigg, jr., John Swanwick, Zephaniah Swift, George Thatcher, Joseph B. Varnum, Abraham Venable, John Williams, and Richard Winn.

Mr. S. SMITH said several members who had wished to reduce the number of troops had said they should have no objection to make an allowance to officers, when they were discharged, to pay their expenses home. He would propose a new section, therefore, to this effect, viz:

"That every commissioned officer who may have been deranged under the act for ascertaining and fixing the Military Establishment of the United States, or under the present act, shall be allowed ——— dollars."

The motion was agreed to, and the bill was then ordered to be engrossed for a third reading to-morrow.

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DIRECT TAXES.

Mr. W. SMITH, from the Committee of Ways and Means, reported a bill to provide for the assessment and collection of direct taxes; also a bill for laying a direct tax upon the United States. They were twice read, and ordered to be committed to the Committee of the Whole on Monday.

REVENUE STATEMENT.

Mr. PARKER moved that the House should go into a Committee of the Whole on the bill from the Senate, respecting an augmentation of compensations; but he gave way (after giving notice that he should call up the subject to-morrow morning) to the taking up of Mr. HARPER's resolution, laid upon the table some days ago, proposing to rescind that part of a former resolution, which had passed the House, calling for certain annual statements from the Secretary of the Treasury, respecting the duties laid on each separate article, which related to a list of revenue officers, with the allowance paid to each. He alleged that the furnishing of these lists would prove troublesome to the office, and could be of no real use, as the sum total would be furnished, and as they might at any time get the particulars by an application to the office.

Mr. GALLATIN differed in opinion, and thought it very necessary to have these statements; and he said there could be no difficulty in furnishing the individual sums paid to each officer, since they must be known to make up the total.

The motion was put, and negatived—40 to 27.

WEDNESDAY, February 8.

Mr. SWANWICK, from the Committee of Commerce and Manufactures, made a report on the petition of sundry manufacturers of chocolate, who complain of the heavy duty upon cocoa, as being an injury to the business, and recommended a resolution to the following effect:

"Resolved, That the additional duty of two cents per pound imposed on cocoa, by an act of the 7th of June, 1794, ought to be repealed after the — day of — next."

The report was read the second time, and referred to the Committee of the Whole to whom was referred the resolutions on the subject of indirect taxation.

The bill in addition to the act for fixing and establishing the Military Establishment of the United States, was read the third time, the blanks filled up, and passed.

ELECTION OF PRESIDENT.

The SPEAKER informed the House that the hour was come at which they had appointed to meet the Senate, for the purpose of counting the votes for, and declaring the election of a PRESIDENT and VICE PRESIDENT OF THE UNITED STATES, and that the Clerk would inform the Senate they were ready to receive them.

The Clerk accordingly waited upon the Senate, and the PRESIDENT and members of the Senate, soon after entered and took their seats, the PRESIDENT

on the right hand of the Speaker of the House of Representatives, and the members of the Senate on the same side of the Chamber; when the President of the Senate [Mr. ADAMS] thus addressed the two Houses:

*Gentlemen of the Senate and
of the House of Representatives:*

The purpose for which we are assembled is expressed in the following resolutions. [Mr. ADAMS here read the resolutions which had been adopted by the two Houses relative to the subject.] I have received packets containing the certificates of the votes of the Electors for a President and Vice President of the United States from all the sixteen States of the Union: I have also received duplicates of the returns by post from fifteen of the States. No duplicate from the State of Kentucky is yet come to hand.

It has been the practice heretofore, on similar occasions, to begin with the returns from the State at one end of the United States, and to proceed to the other; I shall therefore do the same at this time.

Mr. ADAMS then took up the packet from the State of Tennessee, and after having read the superscription, broke the seal, and read the certificate of the election of the Electors. He then gave it to the Clerk of the Senate, requesting him to read the report of the Electors, which he accordingly did. All the papers were then handed to the tellers, viz: Mr. SEDGWICK, on the part of the Senate, and Messrs. SITGREAVES and PARKER on the part of the House of Representatives; and when they had noted the contents, the PRESIDENT of the Senate proceeded with the other States, in the following order:

FOR JOHN ADAMS.

North Carolina	-	-	-	-	1
Virginia	-	-	-	-	1
Maryland	-	-	-	-	7
Delaware	-	-	-	-	3
Pennsylvania	-	-	-	-	1
New Jersey	-	-	-	-	7
New York	-	-	-	-	12
Connecticut	-	-	-	-	9
Rhode Island	-	-	-	-	4
Massachusetts	-	-	-	-	16
Vermont	-	-	-	-	4
New Hampshire	-	-	-	-	6

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FOR THOMAS JEFFERSON.

Tennessee	-	-	-	-	3
Kentucky	-	-	-	-	4
Georgia	-	-	-	-	4
South Carolina	-	-	-	-	8
North Carolina	-	-	-	-	11
Virginia	-	-	-	-	20
Maryland	-	-	-	-	4
Pennsylvania	-	-	-	-	14

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FOR GEORGE WASHINGTON.

North Carolina	-	-	-	-	1
Virginia	-	-	-	-	1

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FOR THOMAS PINCKNEY.

South Carolina	-	-	-	-	8
North Carolina	-	-	-	-	1
Virginia	-	-	-	-	1
Maryland	-	-	-	-	4
Delaware	-	-	-	-	3
Pennsylvania	-	-	-	-	2
New Jersey	-	-	-	-	7
New York	-	-	-	-	12
Connecticut	-	-	-	-	4
Massachusetts	-	-	-	-	13
Vermont	-	-	-	-	4

FOR AARON BURR.

Tennessee	-	-	-	-	3
Kentucky	-	-	-	-	4
North Carolina	-	-	-	-	6
Virginia	-	-	-	-	1
Maryland	-	-	-	-	3
Pennsylvania	-	-	-	-	13

FOR SAMUEL ADAMS.

Virginia	-	-	-	-	15
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FOR OLIVER ELLSWORTH.

Rhode Island	-	-	-	-	4
Massachusetts	-	-	-	-	1
New Hampshire	-	-	-	-	6

FOR SAMUEL JOHNSTON.

Massachusetts	-	-	-	-	2
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FOR JAMES IREDELL.

North Carolina	-	-	-	-	3
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FOR JOHN JAY.

Connecticut	-	-	-	-	5
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FOR GEORGE CLINTON.

Georgia	-	-	-	-	4
Virginia	-	-	-	-	3

FOR CHARLES COTESWORTH PINCKNEY.

North Carolina	-	-	-	-	1
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FOR JOHN HENRY.

Maryland	-	-	-	-	2
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All the returns having been gone through, Mr. SEDGWICK reported that, according to order, the tellers appointed by the two Houses had performed the business assigned them, and reported the result to be as above stated.

The PRESIDENT of the Senate then thus addressed the two Houses:

*Gentlemen of the Senate, and
of the House of Representatives:*

By the report which has been made to me by the tellers appointed by the two Houses to examine the votes, there are 71 votes for John Adams, 68 for Tho-

mas Jefferson, 59 for Thomas Pinckney, 30 for Aaron Burr, 15 for Samuel Adams, 11 for Oliver Ellsworth, 7 for George Clinton, 5 for John Jay, 3 for James Iredell, 2 for George Washington, 2 for John Henry, 2 for Samuel Johnston, and 1 for Charles C. Pinckney. The whole number of votes are 138; 70 votes, therefore, make a majority; so that the person who has 71 votes, which is the highest number, is elected President, and the person who has 68 votes, which is the next highest number, is elected Vice President.

The PRESIDENT of the Senate then sat down for a moment, and rising again, thus addressed the two Houses:

In obedience to the Constitution and Law of the United States, and to the commands of both Houses of Congress, expressed in their resolution passed in the present session, I declare that

JOHN ADAMS is elected President of the United States, for four years, to commence with the fourth day of March next; and that

THOMAS JEFFERSON is elected Vice President of the United States, for four years, to commence with the fourth day of March next. And may the Sovereign of the Universe, the ordainer of civil government on earth, for the preservation of liberty, justice, and peace, among men, enable both to discharge the duties of these offices conformably to the Constitution of the United States, with conscientious diligence, punctuality, and perseverance.

The PRESIDENT and members of the Senate then retired, and the House came to order; when Mr. SITGREAVES made a report on the business, which was read and ordered to be entered on the Journals.

THURSDAY, February 9.

ELECTION OF PRESIDENT.

Mr. SITGREAVES, from the joint committee appointed to confer with a committee of the Senate on the subject of the election of a PRESIDENT and VICE PRESIDENT, made a further report, viz: that they had agreed with the committee of the Senate to recommend to the House of Representatives the following resolution:

"Resolved, That the Clerk of this House be directed to give, by letter, to the Vice President elect, a notification of his election."

This resolution was agreed to; but some time afterwards, Mr. PARKER (one of the committee) wished it to be rescinded, as he understood, though the committee from the Senate had concurred in this mode of notifying the VICE PRESIDENT of his election, the Senate would not agree to it, but wished to follow the mode adopted on a former occasion, viz: a message was sent from the House of Representatives to the Senate, directing that the persons elected should be notified in such a manner as they should direct. He wished, therefore, to prevent delay, the resolution might be rescinded and a different one agreed to. This motion occasioned a good deal of conversation. It was observed by the SPEAKER that the resolution was already before the Senate, (where it seemed it was not intended to be sent, as it was a distinct resolution of that House, a similar one to

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which was proposed for the adoption of the Senate by the joint committee.) It was at length, however, agreed to be rescinded. Immediately after which a message was received from the Senate, informing the House that they had disagreed to the resolution, and appointed a committee of conference. The House accordingly took up the message, and also agreed to appoint a committee of conference.

UNITED STATES TITLE TO LANDS.

Mr. LIVINGSTON said, that he had, some time since, laid a resolution on the table for an inquiry into the title of the United States to lands west of Pennsylvania; that a minute investigation of the business had convinced him, that however the title might ultimately be found to stand, yet it was of a nature that would require more time than could properly be given to its determination during the session. In the mean time, he said, it had been suggested to him, that the interest of individuals might suffer while the business was before the House, and, therefore, under these circumstances, candor required that he should withdraw the resolution; which he accordingly did.

MILITIA BILL.

Mr. DEARBORN wished the House to go into a Committee of the Whole on the Militia bill.

Mr. PARKER was apprehensive that subject would require more time than they should have to give it this session. He hoped, therefore, the gentleman would waive his motion, and suffer the bill from the Senate for augmenting the compensations of the members of the Legislature and certain officers of Government, for a limited time, to be taken up.

Mr. SWIFT spoke against taking up the Militia bill, and Mr. HARTLEY in favor of it; when the question was put for going into a Committee of the Whole on the Militia Bill, and negatived—42 to 26.

COMPENSATION TO PUBLIC OFFICERS.

Mr. PARKER then renewed his motion, and the House resolved itself into a Committee of the Whole on the bill respecting compensations, Mr. MÜHLENBERG in the Chair; when

Mr. PARKER moved to strike out the first clause. He thought it necessary to make some additional allowance to the PRESIDENT, but he would do it in a different way from that proposed. When the present PRESIDENT came into office, he said, he had a quantity of furniture presented him, which might now be nearly worn out, and be of little value. It might be proper, therefore, to purchase new furniture for the gentleman just elected. It would be also during the period of the present Presidency that Government would remove to the Federal City, which would be attended with a good deal of expense to the PRESIDENT. He should wish, therefore, that a provision should be made for defraying that expense, and also for the purchasing of new furniture, but he should be opposed to the making of any addition to the salary at present.

Mr. HARTLEY spoke in favor of retaining the clause.

Mr. R. SPRIGG said he should vote against the proposed advance of salary, and could not consent to any other mode of augmenting the present compensation allowed to the PRESIDENT. He could by no means agree to the plan proposed by the gentleman from Virginia; for, if they were to renew the furniture of the PRESIDENT every four or eight years, it would be found a pretty expensive business. That gentleman had also mentioned the removal of the Government, as taking place during the next Presidency; but, he said, the new election would happen about the time of removing the Government, and provision for paying that expense might be made at that time. He thought the salaries were already sufficiently high, and that it would be with difficulty that money was found to pay the present expenses of Government.

Mr. WILLIAMS was of opinion, on the score of economy, that it would be better to advance the compensation of the PRESIDENT in the way proposed by the present bill, and let him purchase his own furniture, than to purchase new furniture, which, perhaps, when the Government was removed, would not be suitable for his house in the Federal City. Mr. W. said he was one of the committee on the subject of compensation, and they endeavored to ascertain whether the twenty-five thousand dollars allowed to the PRESIDENT were an adequate compensation. It was generally believed it was not. They ought, he said, to enable their First Magistrate to live in a style becoming his situation. All their Executive officers should receive such salaries as would enable them to see company agreeably to their rank, otherwise the respectability attached to those offices would suffer greatly in the public opinion. He hoped, therefore, the section would not be struck out.

Mr. BUCK said, as the motion now made was to try the principle, it would be well to go into an examination of the subject. He said he had never been a champion for raising salaries, or a stickler for lowering them; but, as the subject was brought before them, he should cheerfully declare his sentiments upon it. He conceived the true question to be, whether it was right and just that they should augment the salaries of the officers of Government and the members of the Legislature, or whether the present compensations were just and adequate to the sacrifices which they made in undertaking the business of Government. Because he did not believe, with some other gentlemen, that they were to estimate the compensations of their officers in proportion as money was scarce or plentiful in the Treasury, nor did he believe there was a real distress in Government for want of money; but their difficulties arose from a difference of opinion in that House on the mode of raising money. He believed there were persons who thought Government squandered away the public money; that its officers divided the loaves and fishes amongst them; and that the only way in which this profusion of expense could be checked was by pursuing a system of direct taxation, which would make the people feel the amount which they contributed to the support of Govern-

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ment. He should not undertake to examine this principle, nor deny that such facts might exist. It would be enough to look at existing circumstances in our country, and see how far they would apply. Our Government, he said, rested on public sentiment for support, and must always be regulated by it. He was willing, he said, to go all lengths with gentlemen in adopting a system of taxation calculated to raise a permanent revenue. Nor was he apprehensive for the result, when dictated by reason and justice.

Contemptible must be that state of government, said Mr. B., where its public officers are starved for want of a proper spirit in the people to support them. Is America, said he, arrived at this melancholy state? If she were, God forbid she should ever experience another revolution! Is this all our boasted acquisition, in return for the struggles we have made for our country? No; he denied the fact. America was not reduced to that state which will not allow her to pay the expenses of her Government, nor is she unwilling to pay them; neither is public sentiment so debased as not to approve of any measure which shall be taken to secure a handsome maintenance for our officers. There was no occasion for hypocrisy in the business; he was willing to state the whole truth plainly to his constituents. He should not think of telling them they were giving too high salaries for their officers, when he knew, that, owing to their insufficiency, they were diminishing their own private fortunes. Nor did he wish to intrench on his own property in serving the public; he believed there was no occasion for this. He should, therefore, speak plainly to them.

Mr. B. said, he would inquire whether the present salaries were a reasonable and just compensation for the services performed? In respect to the PRESIDENT OF THE UNITED STATES, it was said that he had already a large salary. He knew that twenty-five thousand dollars had a great sound in the ears of many, but he trusted the people of the United States not only possessed just views of Government, but that they also possessed virtue to support the just measures of Government, and would not consent that their Executive officers should be placed on such a footing as to be looked down by officers from foreign countries who moved in a lower sphere. Therefore, when they looked into the reason of the thing, and found their present salaries were unequal to their support, not in the style of splendor observed in foreign courts, but according to the manner of living in Philadelphia, would they not be willing to increase them? He believed they would.

The present PRESIDENT, he said, was a man of fortune, and never took from the Government more than would support his table, either during the war or during his Presidency. And what, he asked, did these expenses amount to? To the whole sum allowed him by law. But were they always to expect to have a PRESIDENT who would give his services to his country? Or had the PRESIDENT set a bad example, by living in a style of extravagance and splendor? He believed this was not the opinion of Americans, or that of foreign coun-

tries. If, then, the present PRESIDENT had lived upon his own fortune, and the whole of his compensation had gone to defray the expenses of his table, if this compensation was not advanced, how were future Presidents to come forward, to support the same style? They could not do it without infringing on their own fortunes. And do the citizens of the United States, he asked, wish their First Magistrate to be placed in this situation? He could not think so. He believed they meant to make ample provision for his support; and if the present provision was found inadequate they would condemn their Representatives; they would say they did not support the dignity of their country, if they neglected to advance it.

The same observations, Mr. B. said, would apply to the VICE PRESIDENT, and to other officers of Government. He did not wish the salaries of their officers to be such as should enable them to make fortunes out of them, but he would have them sufficient to afford a handsome living. Were they so at present? He believed not. It had been said, the other day, that they could not afford to live in the same style with persons who stood on the same footing with them before they went into office. He could not say whether they were obliged to intrench on their own private fortunes; if it was so, he asked if it were reasonable or just that they should be so placed? It certainly was not; and, therefore, convinced as he was that the people of the United States were willing and able to support the expenses of their Government, and that they wished their officers to have a just and reasonable compensation, which should not only enable them to make a respectable appearance in the eyes of their own citizens, but in those of foreigners, he should have no scruples in giving his consent to the advances proposed.

As to the compensation allowed to the members of that House, here he had knowledge; he could speak from experience. He could say that he had diminished his income one thousand dollars a year since he had a seat in that House. Did his constituents, he asked, wish this? He believed not. They did not wish him to intrench on his private fortune while he was serving them. They did not expect him to squander away their money in profusion, nor did he; he lived in the most economical style; but they wished his reasonable expenses to be paid. Besides, said Mr. B., were the rates of compensation, when first established, established upon this principle? He thought not. They were then thought to be a just and reasonable compensation; and, if it was not then unreasonable, it could not now be reasonable. Was it right, he asked, when every kind of labor was higher by one-third or one-half than at that time, that the compensations allowed to persons employed by Government should remain stationary? He could not conceive that this was either just or proper, or that the citizens of the United States wished it.

If any conclusion might be drawn from the practice of individual States, they would be warranted in making the proposed advance, since many of their Legislatures had advanced the pay

of their members. Indeed, he believed the people were generally convinced of the necessity of advancing the compensations allowed to the officers of Government and members of the Legislature, under the present circumstances.

Mr. B. said he was not for making a permanent increase of salaries, except to the PRESIDENT and VICE PRESIDENT. He did not conceive that the members of the Legislature ought to have more than was sufficient to support them, without obliging them to infringe upon their own fortunes. He wished the advance thereof to operate no longer than until the present existing circumstances were removed; he should move, therefore, to have the duration of this regulation for one year, instead of two, as it was possible in the mean time the price of living might be so reduced as to make the additional allowance no longer necessary.

Mr. RUTHERFORD said, if gentlemen reasoned together for a moment, they would be convinced this measure was altogether improper and unjust. Our present PRESIDENT, said he, is looked up to with reverence, as to Cincinnatus, as a good republican. When the Commissioners from the Republic of Holland went to treat with Spain, they went in a style of such simplicity as to command the greatest respect. They afterwards appointed a Stadtholder, a man of great reputation and patriotism doubtless, like our PRESIDENT; but, as soon as they suffered themselves to lose sight of their simplicity and plainness of manners, and got into the policy and splendor of Courts, they were enslaved by their Stadtholder; for, within these few years, the office of Stadtholder has been declared hereditary. What an extravagance is this; that a man should be born a Stadtholder or a King! While the Roman people maintained their simplicity of manners, while Cincinnatus was amongst them, they were a happy people; but when they lost sight of their plainness of manners, they lost sight of their happiness. Let us look at our sister rising Republic, and observe how they are doing away all pomp and pageantry in their Government and country, and aiming at a simplicity of manners; but, said he, I fear we have not lost sight sufficiently of kings, priests, and courts. This was his dread. It was necessary to bound these ideas. Patriotism could not be purchased, and should they despair of getting a man to fill the office of PRESIDENT without they increased the salary? Must they hire a man for this purpose? No, they should not be obliged to do this; there would always be found men of abilities and patriotism to fill that office, without any view to pecuniary advantage.

Mr. DENT said the question was to make an amendment by striking out the first section. Being in favor of that part which contemplated the addition of five thousand dollars to the salary of the PRESIDENT, and opposed to any addition to that of the VICE PRESIDENT, he wished the question divided, in order to accommodate his vote.

The Chairman said the motion was to strike out the whole section, and it could not be divided.

The motion for striking out was then put and carried—56 members being in favor of it.

Mr. PARKER then moved to strike out the second section, which, if agreed to, would destroy the whole.

The motion was put and carried—ayes 53.

The committee then rose, and the House took up the business.

Mr. HARPER hoped the report would not be agreed to. He said he had voted to strike out the additional allowances to the PRESIDENT and VICE PRESIDENT, because whatever necessity there might be to advance the salaries allowed to them, yet the 7,000 dollars proposed would be more properly divided among numerous officers who require bounty. He thought the same as to compensations to members of the House and Senate. Many of your officers have but just means to exist. If anything could be spared he hoped it would be applied where it was most wanted. He hoped and trusted the House, before they increased the salaries of that description of people (Executive officers, &c.) would first be well satisfied they wanted it. He thought upon examination it would be found some of those officers did need an advance. He mentioned the Comptroller of the Treasury, and some others who were inadequately paid. He would wish it to be divided so that a just distinction might be made, as some part he should support and some reject. If the question could not be divided, he should vote against the whole rather than agree to the addition proposed. Mr. H. thought it very necessary that some parts of the bill should pass. He could give his reasons, but he did not wish to recapitulate all the arguments that could be adduced to show the propriety of his ideas, that men of talents be employed in offices of trust, some of which were not sufficiently paid to invite such characters. He hoped, before the decision, gentlemen would look over the list of officers included, and think whether, from recurring to their present allowance, there was not some danger of losing them without additional compensation. If, on going over them one by one, there should be but one valuable officer in this situation, he hoped that one would be attended to. He should have mentioned some of these ideas before, but for the rapidity with which the vote passed the Chair. He hoped they should disagree to the report of the Committee of the Whole, so as to go over the whole of the items.

Mr. PAGE said, from a view of our revenue and expenses, this was not the time to increase salaries. He thought, in proportion to the hardness of the times, every officer in the Government should conduct his mode of living; every person feels in proportion. If the salaries of the officers of Government were to be increased because living was more expensive, it was proportionable as to those people who would have to pay the proposed addition. He would rather lose a good officer than agree to this bill in any form. He thought it would have a very mischievous tendency. The household expenses of those officers had better be retrenched than that additional taxes should be laid to increase their salaries.

The question was agreed, by one-fifth of the members, to be taken by yeas and nays, "That

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Contested Elections.

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the House do agree with the report of the Committee of the Whole, in their disagreement to the bill," and resolved in the affirmative—yeas 58, nays 38, as follows:

YEAS.—Theodorus Bailey, Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Nathan Bryan, Dempsey Burges, Samuel J. Cabell, Gabriel Christie, Thomas Claiborne, John Clopton, Isaac Coles, William Findley, Jesse Franklin, Nathaniel Freeman, jr., Albert Gallatin, James Gillespie, Christopher Greenup, Andrew Gregg, William B. Grove, Wade Hampton, George Hancock, Carter B. Harrison, John Hathorn, Jonathan N. Havens, John Heath, Thomas Henderson, James Holland, Andrew Jackson, George Jackson, Matthew Locke, William Lyman, Samuel Maclay, Nathaniel Macon, James Madison, John Milledge, Andrew Moore, Frederick A. Muhlenberg, Anthony New, John Nicholas, Alexander D. Orr, John Page, Josiah Parker, John Patton, Francis Preston, John Richards, Robert Rutherford, John S. Sherburne, Thompson J. Skinner, Israel Smith, Richard Sprigg, jr., Thomas Sprigg, William Strudwick, Mark Thompson, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Richard Winn.

NAYS.—Fisher Ames, Theophilus Bradbury, Daniel Buck, Joshua Coit, William Cooper, William Craik, Samuel W. Dana, James Davenport, George Dent, George Ege, Abiel Foster, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glen, Chauncey Goodrich, Roger Griswold, Robert Goodloe Harper, William Hindman, Edward Livingston, Samuel Lyman, Francis Malbone, William Vans Murray, Elisha R. Potter, John Reed, Samuel Sewall, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, Isaac Smith, Samuel Smith, William Smith, Zephaniah Swift, George Thatcher, Richard Thomas, John E. Van Allen, Peleg Wadsworth, and John Williams.

And so the said bill was rejected.

ELECTION OF PRESIDENT.

A message was received from the Senate informing the House that the VICE PRESIDENT had laid before them the following communication:
Gentlemen of the Senate:

In consequence of the declaration made yesterday in the Chamber of the House of Representatives of the election of a President and Vice President of the United States, the record of which has just now been read from your Journal by your Secretary, I have judged it proper to give notice that, on the 4th of March next, at 12 o'clock, I propose to attend again in the Chamber of the House of Representatives, in order to take the oath prescribed by the Constitution of the United States to be taken by the President, to be administered by the Chief Justice or such other Judge of the Supreme Court of the United States as can most conveniently attend; and, in case none of those Judges can attend, by the Judge of the District of Pennsylvania, before such Senators and Representatives of the United States as may find it convenient to honor the transaction with their presence.

The Clerk of the Senate also communicated the following resolution:

"Resolved, That a committee be appointed, to join such committee as may be appointed by the House of Representatives, to consider whether any, and if any, what measures shall be adopted for the further accommodation of the President after the 4th of March next;

and that Mr. Sedgwick, Mr. Tazewell, and Mr. Reed, be a joint committee on the part of the Senate."

Mr. GALLATIN, from the committee to whom was recommended, for the 5th ult., the report of the Attorney General on the memorial of John C. Symmes, made a report, which was committed to a Committee of the Whole House on Monday next.

CONTESTED ELECTIONS.

Mr. HARPER moved the following resolutions:

"Resolved, That the method of taking evidence to be adduced in the trial of contested elections for this House shall, hereafter, be as follows:

First.—The party intending to contest an election, shall give notice of such intention to the person returned. If it be an election in the usual course, this notice shall be given at least ——— weeks before the time when the said person is to take his seat; if not in the usual course, but to fill a vacancy, then the notice shall be given within ——— days after the persons appointed to hold the election shall have made known publicly the state of the poll. The notice shall be delivered in writing, at the usual residence of the person returned; and if he be absent, shall be left there open.

Secondly.—Either party intending to take examinations shall then apply to some Justice, or Judge of the Courts of the United States, or some Chancellor, Justice, or Judge of a Supreme, Superior, or County Court, or Court of Common Pleas of any State, or some mayor or chief magistrate of a town or city, and shall obtain a notification, under his hand and seal, directed to the opposite party, and requiring him to attend, by himself, or his attorney, duly authorized, and cross-examine the witnesses. This notification shall state the time and place of examination, and the names of the witnesses; and it shall be served on the opposite party, or his attorney, duly authorized, as either may be nearest to such place, provided either is within one hundred miles of it. For attendance, after serving the notification, one day, exclusive of Sundays, shall be allowed for every twenty miles.

Thirdly.—In all cases where either party shall give notice to the other of his having appointed an attorney for the purposes aforesaid, it shall be necessary to serve the above mentioned notification on the attorney.

Fourthly.—Every person deposing shall make oath or affirmation to testify the whole truth, and shall subscribe the testimony by him or her given, which shall be reduced to writing only by the magistrate taking the deposition, or by the deponent in his presence. The deposition so taken, together with a certificate of the notices, and proof of the service of them, shall be sealed up by the magistrate who took it, and transmitted to the Speaker of this House.

Resolved, That the examinations of witnesses, taken in this manner, and no other, shall hereafter be admitted on the trials of contested elections.

Resolved, That copies of any papers recorded in any office of record, provided those copies be attested under the hand and seal of the recording officer, shall be admitted at all such trials in the same manner as the originals would be, if produced. In like manner copies of any other papers of a public nature, and remaining in the possession of a public officer, shall be admitted when attested under the hand and seal of that officer.

Resolved, That ——— copies of those resolutions shall be forwarded, forthwith, to the Executive of every State, with a request that they will cause the mana-

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Statement of Exports.

[FEBRUARY, 1797.]

gers of every election, in their respective States, to be furnished with at least one copy."

Mr. HEATH moved that the consideration of these resolutions should be postponed till the 3d of March next, as they would take up too much time. It would be better for the next Congress to discuss them.

Mr. HARPER said that it would be of no use to meddle with them unless it were done immediately. They were designed to operate previous to the next session. Any mode of taking evidence was better than to have none at all. In the present state of matters, people came here from Maine or Virginia to ask the House what were the rules of taking evidence. A late instance occurred from Georgia. The people waited here for a considerable time, and then went back with instructions how to proceed.

Mr. SITGREAVES argued that this remedy would not answer the defect. The resolutions, if passed, would not bind the next Congress. This could only be done by a law passing through both Houses. Hence it was needless to vote for them, as our successors may disagree to them.

Mr. MURRAY differed from Mr. SITGREAVES. If rules are not made now, they will be too late. In a case so distant as Georgia, a year would at any rate be spent before there could be a decision.

Mr. SITGREAVES said that a position had been assumed that the rules made in this House would regulate the next. This he denied. They were not binding on the succeeding House, unless they saw fit. He said that contested elections were a growing evil. There was very little encouragement for people coming from the country to contest them.

On a division, whether the resolution should be deferred till the 3d of March, there were, ayes 34, noes 40.

The resolutions were then referred to a Committee of the Whole House on Monday next.

STATEMENT OF EXPORTS.

The SPEAKER laid before the House the following Letter from the Secretary of the Treasury:

TREASURY DEPARTMENT, Feb. 9, 1797.

SIR: I have the honor to transmit herewith a statement of goods, wares, and merchandise, exported from the United States during one year prior to the 30th of September, 1796.

Of the whole value of said exports, (being \$67,064,097,) it is estimated that about \$26,300,000 has arisen from the exportation of foreign goods and merchandise.

I have the honor to be, very respectfully, sir, your obedient servant,

OLIVER WOLCOTT, Jr.,

Secretary of the Treasury.

The Hon. the SPEAKER of
the House of Representatives.

A General Statement of the Exports of the United States, commencing October 1, 1795, and ending September 30, 1796.

Species of merchandise.	Quantity or value.
Ashes: pot - - - tons	3,661
pearl - - - do.	1,423

Species of merchandise.	Quantity or value.
Apples - - - barrels	5,502
Beer, ale, porter, and cider, in casks - - - gallons	328,883
Do. in bottles - - - dozens	14,002
Beef - - - barrels	92,521
Biscuit or ship-bread - - - do.	181,065
Do. do. - - - kegs	26,102
Buckwheat - - - bushels	32
Barley - - - do.	345
Bran and shorts - - - do.	80
Beans and peas - - - do.	155,287
Butter - - - pounds	2,554,885
Boots - - - pairs	7,950
Bricks - - - number	602,700
Corn, Indian - - - bushels	1,173,552
Cheese - - - pounds	1,794,536
Chocolate - - - do.	29,698
Cotton - - - do.	6,106,729
Coffee - - - do.	62,385,117
Cocoa - - - do.	928,107
Coal - - - bushels	9,536
Candles, wax - - - pounds	9,978
Do. spermaceti - - - do.	221,903
Do. tallow - - - do.	1,997,398
Canvass or sail-cloth - - - pieces	4,683
Cables and cordage - - - cwt.	8,707
Cards, wool and cotton - - - dozens	85
Do. playing - - - packs	200
Copper, or brass and copper, manufactured - - - value	\$3,273
Coaches and other carriages - - - do.	\$13,999
Flour - - - barrels	725,194
Fish, dried or smoked - - - quintals	377,713
Do. pickled - - - barrels	84,558
Do. pickled - - - kegs	5,256
Furniture, house - - - value	\$9,483
Flaxseed - - - bushels	256,200
Flax - - - pounds	16,594
Gunpowder - - - do.	2,519
Ginseng - - - do.	10,713
Hats - - - value	\$57,416
Hams and bacon - - - pounds	2,096,177
Hair-powder - - - do.	30,561
Hemp - - - cwt.	2,090
Hops - - - pounds	76,634
Hides, raw - - - number	49,363
Horned cattle - - - do.	4,625
Horses - - - do.	4,285
Hogs - - - do.	6,752
Iron, pig - - - tons	502
Do. bar - - - do.	843
Do. castings - - - value	\$453
all other manufactured - - - do.	\$160,094
Indigo - - - pounds	915,635
Lard - - - do.	1,124,971
Leather - - - do.	127,044
Lead - - - do.	1,199,439
Meal, rye - - - bushels	152,784
Do. Indian - - - do.	540,286
Do. buckwheat - - - do.	1,076
Mustard - - - pounds	5,240
Molasses - - - gallons	112,257
Mules - - - number	1,718
Medicinal drugs - - - value	\$53,949
Merchandise and all articles not enumerated - - - do.	\$6,794,346
Oil, linseed - - - gallons	34,721
Do. spermaceti - - - do.	164,045

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Statement of Exports.

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Species of merchandise.	Quantity or value.	To Italy and dominions	-	-	1,100,582
Oil, whale and other fish	gallons 1,176,650	To China and East Indies generally	-	-	1,352,860
Oats	bushels 59,797	To West Indies generally	-	-	3,367,942
Pork	barrels 73,881	To Africa generally	-	-	537,355
Pitch	do. 18,083	To Northwest coast of America	-	-	23,510
Potatoes	bushels 48,767	To Europe for a market, and uncertain ports	-	-	481,725
Poultry	dozens 5,084				
Rice	tierces 131,039	Total	-	-	\$67,064,097
Rye	bushels 4,319				
Rosin	barrels 14,183				
Spices: pepper	pounds 491,330				
pimento	do. 498,028				
all other	value \$6,235				
Spirits, foreign distilled	gallons 667,606				
domestic	do. 963,325				
Shoes and slippers	pairs 212,774				
Skins and furs	value \$273,201				
Saddlery	do. \$4,823				
Starch	pounds 51,816				
Soap	do. 2,713,729				
Sugar, brown and other clayed	do. 34,848,646				
refined	do. 984,144				
Sheep	number 6,140				
Ship-stuff	cwt. 8,706				
Salt	bushels 52,163				
Snuff	pounds 267,046				
Tobacco, manufactured	do. 29,181				
unmanufactured	hhd. 69,018				
Tallow	pounds 187,403				
Tar	barrels 64,600				
Turpentine	do. 41,490				
Do. spirits of	gallons 28,628				
Tea, bohea	pounds 74,547				
souchong and other black	do. 9,327				
hyson	do. 30,531				
other green	do. 20,923				
Wheat	bushels 31,226				
Whalebone	pounds 308,314				
Wax	do. 317,831				
Wines: Madeira	gallons 198,645				
all other	do. 1,505,427				
bottled	dozens 30,108				
Wood: staves and heading	number 34,588,904				
shingles	do. 47,307,112				
hoops and poles	do. 3,711,062				
boards, plank, scantling, and timber	feet 53,871,476				
timber	tons 8,585				
all other, and lumber	value \$120,197				
oak-bark and all other dye	do. \$188,453				
all other manufactures of	do. \$111,848				

A Summary of the Value of the Exports from each State.

From New Hampshire	-	-	\$378,161
From Massachusetts	-	-	9,949,345
From Rhode Island	-	-	1,589,872
From Connecticut	-	-	1,452,793
From New York	-	-	12,208,027
From New Jersey	-	-	59,227
From Pennsylvania	-	-	17,513,866
From Delaware	-	-	201,142
From Maryland	-	-	9,201,315
From Virginia	-	-	5,268,655
From North Carolina	-	-	671,487
From South Carolina	-	-	7,620,049
From Georgia	-	-	950,156
Total	-	-	\$67,064,097

JOSEPH NOURSE, Register.

TREASURY DEPARTMENT,
Register's Office, February 7, 1797.

Mr. GALLATIN reported a bill for allowing a drawback on domestic distilled spirits exported in vessels of less burden than thirty tons by the Mississippi. The bill was twice read, and referred to a Committee of the Whole on Saturday.

The House took up the consideration of the disagreement of the Senate on the mode of notifying the VICE PRESIDENT of his election; and Messrs. SITGREAVES, PARKER, and J. SMITH, were appointed a Committee of Conference.

APPROPRIATIONS FOR 1797.

Mr. W. SMITH called for the order of the day on the bill granting appropriations for the year 1797; and the House accordingly resolved itself into a Committee of the Whole on that subject, which was proceeded with until they came to the item for foreign intercourse, without any amendment, except allowing the Purveyor a clerk, which had before been struck out.

Mr. S. SMITH said, that he was a careful man. He had saved to the public, within the last year, twenty thousand dollars, by going about to vendues and buying articles cheaper than they otherwise could be had. Mr. S. learned this from the Secretary of the Treasury. He had not himself seen the person. If deprived of a clerk, he might not think it worth while to take so much trouble, and the public would be losers.

On a division, the clerk was kept in—ayes 30, noes 28.

Mr. GALLATIN moved that the Committee might rise, as the subject would create considerable discussion, and it was then too late an hour to enter upon it. The Committee accordingly rose, and had leave to sit again.

A Summary of the Value and Destination of the Exports of the United States, agreeably to the above statement.

To Russia and dominions	-	-	\$47,381
To Sweden and dominions	-	-	1,096,407
To Denmark and dominions	-	-	2,675,589
To United Netherlands and dominions	-	-	7,875,364
To Great Britain and dominions	-	-	23,164,545
To Imperial ports of the Austrian Netherlands and Germany	-	-	35,959
To Hamburg, Bremen, and other Hanse Towns	-	-	9,471,498
To France and dominions	-	-	11,623,314
To Spain and dominions	-	-	3,650,678
To Portugal and dominions	-	-	559,448

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Naval Equipments.

[FEBRUARY, 1797.]

EXPENSES OF FOREIGN INTERCOURSE.

Mr. GALLATIN moved a resolution to the following effect:

"Resolved, That the Secretary of the Treasury be directed to lay before this House a detailed Statement of the expenditure of any sums which have been appropriated for defraying the expenses attending our intercourse with foreign nations, excepting such statements as have been laid before the House in any confidential communication by the President of the United States."

The resolution was agreed to.

FRIDAY February 10.

Mr. SITGREAVES, from the joint committee appointed on the subject of the election of a PRESIDENT and VICE PRESIDENT, reported a resolution to the House, in conformity to that passed eight years ago, on a similar occasion, viz: requesting the Senate to notify the VICE PRESIDENT of his election in such a way as they shall think proper, which was agreed to.

Mr. W. SMITH, from the Committee of Ways and Means, reported a bill for repealing, in part, the act laying a duty on spirits distilled in the United States, passed in May, 1792, and for imposing a duty on the capacity of stills of certain descriptions; which was read a second time, and committed to a Committee of the Whole on Tuesday next.

NAVAL EQUIPMENTS.

Mr. PARKER wished the unfinished business relative to appropriations to be postponed, for the purpose of taking up the report on the Naval Establishment; as it was necessary to determine, before the appropriations were gone through, whether the House would complete the frigates, or take the means recommended with respect to the establishment of a navy-yard, and for the security of a future supply of timber. The following is the report of the committee:

The committee appointed to inquire into the state of the Naval Equipments, ordered by former acts of Congress, and whether any, and what other Naval force is necessary for the protection of the commerce of the United States and the support of their flag, report:

That in consequence of the act of the 20th of April, 1796, the President of the United States directed that the frigates building at Philadelphia, Boston, and Baltimore, should be completed; that the building of the frigates at New York, Portsmouth, in Virginia, and Portsmouth, in New Hampshire, of course were discontinued. Upon inquiry, the committee find that the frigate building at Philadelphia, of 44 guns, and called the United States, is in such forwardness that she may possibly be launched in April, and that in two months after she may be made ready for sea; that it will require to finish this frigate, so as to receive her crew and stores, \$55,950.

The frigate building at Boston, called the Constitution, of 44 guns, is not in such forwardness as the United States; and by the accounts from the proper office, it is not supposed she can be launched till July, and that it will be two months after before she can be put in a condition for sea. To complete her, exclusive of men and provisions, will require \$96,671 71.

The frigate Constellation, building at Baltimore, of 36 guns, it is supposed by the officers of the Department, may be launched in May next, and that in two months after she may be so far finished as to be ready to receive her crew and stores. For this ship the sum of \$47,375 is required.

The committee beg leave to observe that the foregoing report is made from statements in their possession from the Department of War; but the committee do not believe that either of the ships can be ready to launch by the time mentioned, on account of the severity of the weather; but, admit they should, a further sum of money will be necessary and must be speedily supplied, as it appears by the report of the Secretary of War that all the money hitherto appropriated has been expended, except \$24,133 71. In order that the House may have the necessary information on this subject, the committee give the following statement:

Appropriated 9th of June, 1794, for the purpose of building six frigates -	\$688,888 82
For the purpose of building galleys or other vessels, by the same act, and applied to this object -	80,000 00
Appropriated by act of June 1st, 1796, to pay Captains -	5,000 00
Total of appropriations -	773,888 82
Required to finish the United States -	55,950 00
Required to finish the Constitution -	96,671 71
Required to finish the Constellation -	47,375 00
	973,385 53

Out of which deduct so much

unexpended -	\$24,133 71
Materials sold, per report -	4,214 05
	28,347 76
	945,437 77

Thus it appears, by official statements, to your committee, that to build the three frigates ordered by the act of Congress of April 20th, 1796, it will cost the United States, with the materials now on hand, the value of which they have no estimate, the sum of \$945,437 77, exclusive of fitting, manning, and providing them with provisions and stores. That the House may have all the information as to the probable cost and yearly expenditure the committee have on this subject, they state it as given by the Secretary of War, which will accompany this report.

That each frigate of 44 guns will cost for wages, per month, \$4,096. Estimate twelve months' pay—
For two frigates of 44 guns - \$98,304
For one frigate of 36 guns, \$3,513 per month 42,516
Twelve months' subsistence for three frigates, 400,770 rations, at 20 cents, is 80,154

Annual expense of two frigates of 44 guns, and one of 36 guns -	220,974
In addition to this, for the salary of two persons to take care of the naval yards at Portsmouth and New York -	1,000
Rent of the naval yards at Portsmouth, in New Hampshire, and New York -	1,200
	223,174

The committee refer to the report from the War De-

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partment, to show the timber on hand in the different yards, as well as what has been sold, the value of which they have no estimate, except as to what has been sold, nor have they been furnished with an estimate of the naval stores which are on hand; but if the House should require those documents, they may be had at the proper officé.

The committee beg leave to report, as their opinion, that the sum contemplated by the War Department as necessary to man the ships will be insufficient, under existing circumstances, as the rate of seamen's wages are estimated much lower than has been given by merchants for their ships within the last two years, and but little more than the usual wages in the most tranquil times; but from all circumstances, especially from the forwardness of three of the ships, and most of the materials being ready, they think it would be proper to finish them as speedily as possible, as an aid to our commerce and a support to our flag: therefore,

"Resolved, That — dollars be appropriated to finish and equip for sea the frigates United States, Constitution, and Constellation."

Your committee further report, as their opinion, that a sum of money should be appropriated for the purpose of purchasing and fitting up a naval yard; and also, that it would be expedient for the United States to secure some of the lands in South Carolina and Georgia, well clothed with live oak and red cedar timber, for the purpose of building ships of war: therefore,

"Resolved, That — dollars ought to be appropriated for the purpose of buying and fitting up for the United States a proper site for a naval yard."

"Resolved, That — dollars ought to be appropriated for the purpose of purchasing live oak and red cedar timber, or lands stored with it, for naval purposes."

The first resolution having been read—

Mr. PARKER said, it would be seen that the report of the committee did not contemplate the manning of the frigates; and though it was their wish to have them manned and equipped for sea, yet, on account of the present embarrassed state of the finances, it was judged most proper only to ask \$172,050 to finish them; that sum would put them in a state to be ready to man and equip when necessary, which would come better under a future appropriation, as it was probable Congress would again meet before this necessity occurred. He supposed no objection could be made to that; because, if it was proper to begin them, it was as proper to finish them, else the whole sum already expended would be to no purpose, upwards of \$700,000 having been sunk in them; he had no doubt, therefore, that the House would order them to be finished, and not let them rot on the stocks, and remain monuments of the versatility and folly of the Government. As this subject had been frequently under discussion, it was not necessary to say anything upon the utility of these vessels; the Committee were already well acquainted with the business. He said, the sum wanted for this purpose would be \$171,000.

Mr. COIT did not know but he might agree to complete the frigates in the way proposed by the Chairman of the Committee; but he did not think the resolution conformable to the wish expressed by that gentleman. He thought the frigate-build-

ing business an unfortunate one; but, having gone so far with them, he believed it would be best to have them finished. He should, however, be unwilling to go further. He would not equip and man them, but lay them up in port; but if the resolution remained in its present form, the PRESIDENT would doubtless go on to officer and man the vessels. He thought, therefore, they should repeal that part of the act which authorized the PRESIDENT to man the vessels. Some gentlemen might think it would be sufficient to withhold the appropriations for this purpose; but he did not wish to rely wholly upon this check. He would, therefore, move the following addition to the resolution as reported:

"And that all such parts of the act for providing a Naval Armament as relates to the appointing and commissioning officers and manning the said ships ought to be repealed."

Mr. W. SMITH doubted whether this motion was in order, it seemed to be a substitute for that under consideration, and unconnected with it. The question under consideration, he said, was a grant of money for finishing the building of the frigates; whether they were to be equipped and manned was another consideration altogether. It was contrary, he said, to the proceedings of that House to bring forward one question as a substitute for another. After a decision on the original resolution had been had, the gentleman might bring forward his proposition.

Mr. S. SMITH said the gentleman might try his question in a shorter manner, by moving to strike out the words "and equipped for sea."

Mr. COIT said, if his amendment was agreed to, the words just mentioned might be struck out. He did not think, with the gentleman from South Carolina, that his motion was a substitute for the original. It was merely a qualification of it. He was willing to vote for the finishing of the building of the frigates, but not for their manning and equipment. The gentleman from South Carolina wished the question first to be taken on the original; and then on this amendment; but that would not answer his purpose.

Mr. PARKER said, he had already observed that the frigates were not intended to be equipped for sea at present, and he had no objection to the words relative to the equipping for sea being struck out.

The Chairman gave it as his opinion that the motion was not in order; but if the words "and equipped for sea" were agreed to be struck out, it might then be introduced.

Mr. NICHOLAS moved to strike out those words.

Mr. GALLATIN said, the equipping and manning were two distinct things. In the act, provision was first made for the construction and equipment, and then followed the clause respecting manning. He considered the amendment of the gentleman from Connecticut as applicable to the latter. Indeed, it was uncertain whether that part of the act was yet in force. The act declared, that when a peace took place between the United States and Algiers, that part of the act should cease. The act passed last session directed three frigates to be

equipped, anything to the contrary notwithstanding. The amendment proposed went to settle the business.

Mr. SEWALL said he had no great objection to striking out the words in question; but as to the addition proposed by the gentleman from Connecticut, it was an independent resolution altogether. The finishing of the frigates was a distinct thing from the manning and equipping; and if the gentleman's motion was to obtain, when the resolution came before the House it would be in the power of the House to divide it.

He said they ought not to vote for finishing the frigates, and at the same time repeal the act respecting the manning of them. There were existing laws authorizing the PRESIDENT to build, equip, and man them; and they must have the approbation of the other branches of the Legislature before they could do away any part of that law. If it was necessary to finish the frigates, he thought it was the express duty of the Legislature to provide the means of manning and equipping them. But he thought it was not fair to connect them together, so as to make the agreement to one a condition for an agreement to the other. No gentleman wishing to build the frigates could decline voting for the original resolution, when the words "and equipped for sea" are struck out. They might afterwards refuse to appropriate for the manning.

The motion for striking out was put and carried.

Mr. COIT then renewed his motion, with this addition, "except so far as appertains to any officers already appointed under the said act."

Mr. NICHOLAS wished the gentleman from Connecticut to inform the House what officers were appointed.

Mr. COIT said he had no accurate information; but he believed a few Captains only were appointed, who would be necessary to attend to the building of the frigates.

Mr. PARKER said, if his colleague would look into the report, he would see there were only three Captains appointed.

Mr. W. SMITH hoped this motion would not be agreed to. He thought it very improperly introduced here. It looked like a design to constrain the Senate to agree to this proposition, or give up the frigates. The gentleman's own opinion, viz: that it was improper to defeat a measure in an indirect way, was against him. They had passed an act that the PRESIDENT should build and equip these vessels; but this motion proposed to annex a condition to the grant, viz: that that part relative to manning should be repealed. He thought the question should be kept distinct. It was in the power of the House to withhold the appropriations for manning them; under such circumstances the Executive could not effect it; but this would be repealing a law of the land. We send the bill up to the Senate with a grant of a certain sum to finish the frigates, and in the same bill we say they shall not be manned. Mr. S. thought they would be of no use lying up in our dock yards. He was of opinion the vessels should not only be built but manned. He thought they would

be of great service in protecting our coasts, in keeping off the piccaroons which at present infest them; and would also prove as an academy for instructing young officers in naval tactics. He should be sorry to pass a resolution to lay them up as hulks, after being at the expense of building them.

Mr. NICHOLAS said, the gentleman from South Carolina had made an extraordinary discovery, viz: that if the present motion passed, it would be a restriction on the Senate. If he understood the gentleman from Connecticut, [Mr. COIT,] he declined voting for completing the vessels, except this provision was annexed to the resolution. This was his opinion; and it was extraordinary that the gentleman from South Carolina should think this improper, when he himself had done the same thing. Did he not vote for the striking out of the words "and equipped for sea?" And if they were obliged by law to appropriate for the manning, they were equally bound to provide for the equipping, and yet that gentleman had dispensed with the one, and blamed him for dispensing with the other. Indeed, if they had not full liberty to grant or to refuse an appropriation, he could see no reason for annual appropriations; they might as well be made perpetual. If they could not check the improper expending of money by appropriation, that boasted power was a mere deception; but he was convinced there could no doubt on the subject.

Though the resolution was passed together, two separate bills might be brought in, which might be sent up to the Senate separately.

The building of these frigates, he said, had been an unfortunate business. The law had been passed by surprise, at a time when members could scarcely think for themselves, and was carried by a small majority. He did not think a Naval Establishment could be of any service to this country. How could it operate? Unless it was such a force as to intimidate an enemy, it could have little effect. And could we man a Navy of this kind if we were possessed of it? He believed not. The time at which such a force could be of any use would be when other Powers were about going to war, and he believed at such a period it would be impossible to find men for the purpose of manning a Navy of any considerable size. There was no time, he said, since the commencement of the present European war, at which they could have manned a fleet. With respect to the Navy at present contemplated, he could see no real use it could be of; for, if they were in sight of an enemy's privateer examining one of our ships, they could not resent it for fear of a war. Indeed, going into a Navy at this time, was in effect going to war with one of the contending Powers; for one of the effects of such an establishment would be to give them such an high idea of their own strength as would be certain to lead to war sooner or later. And the misfortunes of one war, he said, would infinitely exceed all the advantages which could be derived from a Navy.

Mr. NICHOLAS said, he did not know whether

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it would not be the best policy to stop where they were with the frigates; but, with the provision proposed by the gentleman from Connecticut, he would agree to finish the building of them, because he did not know but the vessels when finished, might be disposed of, so as to bring back a part of the money which had been expended.

Mr. S. SMITH said, the gentleman last up was mistaken when he said the gentleman from South Carolina [Mr. W. SMITH] when he voted for striking out the words "and equipped for sea," had done the same as he had blamed the gentleman from Connecticut with doing. He thought the words an unnecessary tautology: what he meant by "equipped for sea," was having the sails bent, water on board, &c.

Mr. NICHOLAS said, it would save time to set the gentleman right. He meant to say that the equipment was provided for by law equally with the manning.

Mr. S. SMITH said it only amounted to this, that gentleman explained the same thing differently from him. He had said this law was passed by surprise. It was no such thing; it underwent a very full discussion. That gentleman had asked, of what use a Navy would be to them? If they had had a Navy during the present war, he would have told the European nations, we will throw our weight into the opposite scale, if you continue to insult and injure us. But that gentleman was afraid of this; he had no fear, he only wished they had the power.

One nation, he said, had committed spoiliations on our property to the amount of three millions, and another had done the same from five to six millions. This would have supported a Navy, which would have kept us from a situation in which we are subject to indignities and insults from every Power who chooses to commit them against us.

The same gentleman had always said, that at no period since the passing of this law could they have manned these frigates. He was of a different opinion. The present high wages arose in part from so many of our seamen having been taken from us by the British, on board whose ships as many have been pressed as would nearly have manned the frigates. That gentleman talked of finishing the vessels and selling them, to defray a part of the expense incurred in building them; but he could assure him they would not all three sell for so much as one of them cost in building, as they were too large for even the East India trade. The only question was, whether they could be got ready in time to send them to sea during the present year? If the select committee convinced him they could, he should vote for money to man and equip them; but if not, there was no necessity for doing so.

Mr. PARKER wished the report to be read. He had no doubt but the three frigates would be finished by October. If they had been completed at the time originally proposed, they might have been very well manned, as he believed we had more men in the British Navy than would man six ships. If these vessels were ready, they might

be used so as greatly to annoy the vessels of those nations who might think proper to injure us, going to and from the West Indies, as they were obliged to come within seven days' sail of our coast, and the season of the year at which they made their voyages being well known, there would be no difficulty in falling in with them. We might be to them in these parts what the Algerines were to us in the Mediterranean. These ships, though few in number, would have a very considerable effect in protecting our commerce; but at present, said Mr. P., we are the sport of all nations, because they can insult and plunder us with impunity. If, indeed, we were to adopt the Chinese policy, and give up commerce altogether, there would be no necessity for ships of war; but if we were to have commerce, it must be protected. We are in a better situation now, in a commercial view, than Spain or England were a century ago, as neither of these kingdoms had at that time seven hundred thousand tons of shipping; and this quantity of shipping, he said, was employed in carrying out our own produce. If our commerce were not protected our merchants would be ruined, and we must depend altogether upon foreigners to carry away our produce. There was only this alternative, either wholly to give up commerce, or else determine to protect it. He thought it would be disgraceful to abandon the finishing and equipping of the vessels, and nothing would have led him to have given up the equipping but our present embarrassed finances. Indeed, if they were to act thus, their constituents would consider them as no better than fickle boys, having first agreed to build the ships and then to talk of burning them.

This country, Mr. P. said, was able to build and man six ships and six frigates. It was farcical to suppose the contrary; but they had acted as if they were afraid of calling out their resources; they gaped at gnats, and, on some occasions, swallowed camels. Mr. P. said, he was not afraid of calling upon the people for direct taxes; they were able and willing to pay much heavier taxes than were contemplated to be raised for the purpose of national defence, or for paying our National Debt.

Mr. SEWALL said, he had a strong objection to the proposition, as it would embarrass members in their votes on this occasion; but, when considered in another point of view, it was very exceptionable, unless gentlemen had adopted the opinion of the gentleman from Virginia, [Mr. NICHOLAS,] that the House had a right to refuse an appropriation for a purpose established by law. This doctrine, he believed, would not be agreed to by the mover of this question.

The effect of the amendment would be to apply to the Senate to repeal an act; which, if they did not think proper to do, this House would prevent any appropriation to carry it into effect. The Senate might agree to, or differ from, the proposition; but it would not appear well to attempt to force them.

Much had been said on the uselessness of a Navy, which he should desist from repeating;

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he wished the resolution so to stand as that every gentleman might have an opportunity to avow his sentiments on the subject without any obstruction; he therefore hoped the gentleman would vary it accordingly. Mr. S. said he thought it absolutely necessary the frigates should be manned: if they were to be finished it was proper they should be used in some form or other.

The gentleman had agreed that the captains were to be retained in pay; but what use were they if there were to be no men when the ships are finished? At least, it was necessary that some men should be employed, if only to take care of the vessels. He hoped the motion would be withdrawn, that fair opportunity may be left to vote, and the Senate not be subjected to that disagreeable situation which must necessarily attend this way of doing business.

Mr. COIT had no doubt in his own mind that when there existed a law, it was, in general, the duty of the different branches of Government to carry it into effect; but he was not prepared to say there could be no instance in which he might withhold appropriations. He believed there might be such instances, and he deemed the present one of those cases; because he thought the evils which would attend the manning these vessels so great as to require him so to act. He did not say he would not vote for completing the vessels if his motion did not pass, though he felt inclined to do so; but he trusted his difficulties would be removed by this amendment being agreed to. Gentlemen had said, that many advantages would arise from this fleet. This was uncertain. It was his opinion they should not want officers at least for the ships, but he much doubted whether men could be got. The gentleman from Maryland [Mr. S. SMITH] was more likely to be acquainted with the subject than he was, being a mercantile man, and his opinion would of course have more weight with that committee, but it was his own opinion they could not be manned; for, besides the present high price of labor, men were not so ready to go on board ships of war as merchantmen. He, therefore, supposed the frigates would be fully officered, would just have sufficient men to wait upon the officers, and that they would never leave our ports. But if manned and ready for sea, though he believed his views were as patriotic, and his wishes as earnest for the welfare of his country as those of any other member, he could see no real service on which they could be employed. If he could see all the advantages which some gentlemen had dwelt upon, as likely to arise from their going to sea, he should wish it as much as they; but he did not; he saw the expense was certain, and the advantages doubtful. He therefore hoped his amendment would pass.

Mr. DEARBORN could see no reason why the present motion ought not to pass. In other instances they had thought it right to curtail their appropriations to what was really necessary for the object. There had already been very liberal appropriations towards the building of these vessels. They were originally to have cost one hun-

dred thousand dollars each, but three hundred thousand had been expended, and more was now called for.

Mr. D. said, he was so far from wishing to see large sums given for this purpose, that he could wish the appropriations to be confined to completing the hulls of the vessels only. He believed it would have been a happy thing if they had never been begun. What the expense of the rigging and sails of the frigates might be, he did not know; if a considerable part of the expense had already been incurred, he should not object to completing them, otherwise he thought, if they judged in respect to the future by the past, and that the vessels which should have been built in four months were now going on for four years, the hulls would be as much as would be completed before the meeting of the next session of Congress; he therefore wished to furnish only as much money as would effect that purpose. These vessels, he said, would cost double the price that vessels of the same kind would have cost in England, and he believed there must have been great want of attention to economy in the business. It was not possible that men well acquainted with ship-building should have been so far mistaken in their calculations. He thought, therefore, they should begin to confine their appropriations and grant money only as it was wanted. As to manning, equipping, &c., it would be time enough to provide for these a year or two hence; for he believed if the vessels were now ready, it would be found very difficult to man them; and if manned, he did not see any use they would be of, except to join in war with some foreign Power.

The question was then put upon the amendment, and carried—there being 58 in favor of it.

The question was about to be taken upon the resolution as amended; when

Mr. DEARBORN said, before the question was put, he wished to amend the resolution by inserting the words "to finish the hulls," instead of "to finish the vessels."

Mr. PARKER said, if this amendment was agreed to, it would be necessary to say what was to become of the masts, spars, sails, canvass, rigging, &c. By this proposition, it would appear as if the gentleman did not mean to finish the vessels at all. If this was his intention, the question had better be tried in that way.

Mr. DEARBORN said his object was not to prevent the ultimate finishing of the vessels; he only meant to confine the appropriation to what was likely to be wanted this year. He did not contemplate any loss therefore by sails, masts, &c.

Mr. COIT hoped the motion would not prevail. He believed the contracts were made for most of the articles necessary for the completing of the vessels.

Mr. GALLATIN said, that it appeared to him that the law passed last year had provided against the inconvenience mentioned by the gentleman from Virginia [Mr. PARKER.] The law provides that the materials shall be safely kept for the use of the United States; therefore, such materials as

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would not be wanted for the use of the hulls would be safely kept under the provision of the law. No objection could be had to the motion on that ground.

Mr. PARKER said the materials for completing the vessels were mostly on hand, and only 171,000 dollars were wanted to complete them. It was true that these vessels would cost more than any other he had heard of. The common price in the British Navy, he believed, was £1,000 sterling a gun. These ships cost more on account of the very high price of labor; but they were also larger than ships carrying the same number of guns in other countries; another deck would have made them as large as seventy-fours, and if they had been built as seventy-fours, they would not have cost more than £74,000 sterling, but they had been built in their present form because they were best suited for service. When finished, he believed these vessels would be an ornament to the country. He had seen ships of almost every nation, but he had never seen vessels equal to these.

Mr. SITGREAVES said, if he understood the question, the argument of his colleague was sufficient to prove that the amendment ought to be adopted. The question was not what was to become of the materials when procured, but whether they were to be procured. It appeared that contracts were made for every part, so as to complete the ships, but this motion went only to have the hulls finished. If the House wished the Department to fulfil their contracts, they should appropriate for that purpose, else it would leave the Executive in an awkward situation. After every thing necessary to fulfil that contract to the completion of the ships had been purchased, it could be stored, or placed on board ship. He hoped the question would be decided, whether an appropriation should be made for finishing them according to former acts.

Mr. DEARBORN did not know whether he understood the extent of the report of the committee. He would by no means wish to embarrass the Executive, or prevent his fulfilling every contract. He understood that, after every contract which had been made, there would be 24,000 dollars remaining on hand; he supposed every contract was included in the report as money expended. His design was only to confine the appropriation merely to the sum absolutely necessary for the present year. If he understood it wrong, and the committee would inform him, he had no objection to withdraw his motion. As to the putting up the masts, rigging, &c., he had not heard mentioned whether it was contracted for or not. He supposed, however, that it would not be done in the course of the present year. As he observed before, he would not object to the appropriation, if existing contracts absolutely required it.

Mr. S. SMITH said, that the expression in the resolution was "that ——— dollars should be appropriated for finishing the vessels." The gentleman from Massachusetts was afraid of unnecessary expense, and proposed to insert "hulls," instead of vessels. He believed this alteration would operate a very considerable injury to the United

States; for, by the time the hulls were finished, all over head would be ready. If these ships were got ready for service, they might be used or not. When he left Baltimore, the coopers were at work on the water casks; but, if this motion passed, they could not be completed, and the same with respect to cables, and other materials which were in hand. Instead of this kind of proceeding being economy, it was downright waste. If they were his vessels, and he were building them for purposes of commerce (dead as all trade was at present) he would finish them, to be ready against a more favorable change. Indeed, if these vessels were not soon finished, more money would soon be wanted for Algiers.

He acknowledged that these ships had cost much more than was expected. But if any one had made a calculation four years ago of the expense of building a house, he would find that it would now cost double. He believed that they had cost too much, but he believed this was no rule why they ought not to be finished. Until they were finished, he believed we should never have any certain peace with Algiers. They would make new demands, and if they were not answered, would again seize our vessels, and carry our citizens into bondage. No treaty would bind them while we were without armed ships.

The question was put for striking out "vessels," and inserting "hulls," and negatived, 51 to 22.

The next resolution which came under consideration, was that proposing the purchase of a site for a navy yard.

Mr. PARKER doubted, from the spirit which seemed to be shown on this occasion, that this resolution would not pass.

Mr. W. SMITH hoped this would be agreed to. Whatever gentlemen may now think or determine on, it was probable we should at some time become a naval Power; and even with the most distant prospect of that, it would show economy to prepare for it. He said it never could be too soon to begin the business, and the most effectual method of procuring live oak, and preserving it, was to take the earliest means to obtain, and secure it, when obtained, for seasonable use. He read an extract from the Secretary of War's report in support of the plan.

Mr. COIT said he was alarmed at the expense of this business. He saw in the report the salaries of two persons already at Norfolk and Portsmouth, for taking care of the timber, at 500 dollars each, 1,000 dollars. If they were to pay at this rate for overlooking the timber for one ship, what might they expect would be the expense of a navy yard?

Mr. PARKER said, the persons to whom these salaries were paid, took care of the timber at Norfolk and Portsmouth. It was necessary that some person should look after it, or it should be disposed of; but, in case the present resolution was agreed to, there would be no occasion in future to pay these persons, as all the timber and other materials would be stored in the navy yard. He said he had received an estimate from the War Office of the expense which would be likely to

attend the establishment of a navy yard. The expense of 100 acres of land, and all the necessary buildings, was estimated at 37,210 dollars.

Mr. NICHOLAS said, after having squandered so much money in getting timber for these vessels, he thought some change of habit should take place before they embarked largely in this matter. They had given twice or thrice as much as the timber was worth, yet they were now called upon to go on in the same course. It was not a time for going into this business. If such a thing was even proper, two or three years could make but little difference, and there could be little doubt but everything could then be bought at half price. This, however, was not his principal objection. It was this: he did not want to see any such establishment; a Navy would never do any real good to this country, but would increase the unhappiness of it. It would require large sums of money to support it; its benefits were doubtful, and it might be of very mischievous consequence to the nation.

Mr. SWANWICK said he entirely agreed with the gentleman from Virginia [Mr. NICHOLAS] that there was a necessity for some change of habit; they appeared to be getting that change at present, and whatever their habits were at present, he supposed they would come right at last. Whatever might be their opinion of the necessity of a naval force, the European nations, he believed, would convince them of the necessity of it, if they only gave them time enough.

It was an extraordinary thing to look at the progress of economy in that House with respect to these frigates. In the first place, six frigates were necessary; they were afterwards reduced to three, and because an officer was appointed to take care of the timber left on hand, a gentleman from Connecticut wondered that \$500 should be so employed. A motion had been made to confine the Executive to finish the hulls of the ships only. This would have been a strange economy. Indeed, such attempts were made at economy on this business as were never introduced upon any other. The gentleman from Virginia [Mr. NICHOLAS] had observed, there was no use for ships at all. If the House were of that opinion, such a resolution had better at once be come to; but the strange sort of hesitating conduct which was adopted, exceeded all that he had heard of in legislation.

Had gentlemen who declared these vessels to be of no use, contemplated the situation of this country; that it depended wholly upon commerce for revenue; that that commerce was now put in jeopardy, and that no substitute had been found for the revenue thence arising? And would not all this hesitation, whenever the subject of a Navy came under consideration, tempt European nations to continue their unjust depredations upon our property at sea? It certainly would.

But even gentlemen who wished to confine themselves merely to the finishing of the vessels at present, would not surely think it improper for them to establish a navy yard, and to secure timber for future use. Did those gentlemen consider

what it was to deprive the country of a rich mine of ship timber? If they hesitated on this subject, they surely did not.

Mr. S. said, when gentlemen voted for an additional regiment to defend our frontiers, when it was acknowledged by those who lived upon them that they were unnecessary, they did not show such caution. He thought gentlemen should preserve a consistency in their votes; but whilst they were very liberal on some subjects, they were wonderfully economical upon others. And on what object, could they bestow expense, that would make them so good a return as commerce? Upon none; for, after every deduction of expense which may be gone into for its protection, a large surplus will remain.

What had been said by the gentleman from Maryland on the subject of Algiers, was very just; and the want of a navy power would have a similar effect upon all our negotiations, as foreign nations would rise or fall in their demands, according to our power at sea. The money thrown away upon Algiers to purchase peace, would have been much better employed in building ships; for if we had a few ships, that Power would not have committed the depredations upon us which she had done. And whether the money was paid to Algiers or expended in building ships, it was in both cases for the same purpose, viz: the protection of commerce. But there was this great difference between the two expenditures. In the one case, the dollars were shipped off to a foreign country, and in the other, they were paid to our own citizens. The iron used was from our own mines; the guns from our own manufactories; the hemp, and every other material, were of our own growth and manufacture, so that the money went into the hands of our artisans, manufacturers, and farmers. And, therefore, though the frigates had cost a great deal of money, it was some modification of the expense to consider that the money was gone into the pockets of our own citizens. But, he asked if the loss we sustained for the want of a naval power could be estimated? He said it could not. We not only lost our property, but our seamen, and they were not only lost to us, but were probably in the service of those countries which were committing depredations upon us. The loss of property might be recovered; but a hardy race of seamen once lost, could not be recovered.

What an affecting spectacle had we the other day of sixty of these unfortunate men returning from Algerine slavery! They were received into the arms of their country with all the sympathy which the occasion called for; but could gentlemen help feeling, at the same time, for the impotence of our Government, when they recollected that the liberty of these men had been purchased at a very high price from a petty despot? And shall we continue to go on thus, and encourage the Barbary Powers to enslave our seamen by showing so great a reluctance to enter upon any measure which might afford a defence against their depredations?

He wished gentlemen to pause a little before

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they determined to reject the present proposition; except, indeed, they were determined to turn a deaf ear to the distresses of commerce, by saying we will shut ourselves up in our cells, and if our citizens will go to sea, let them abide the risk: we will have nothing to do with ships of war; we will lay a direct tax, from which we will be able to raise a revenue independent of commerce, and live in peace. If this were their determination, experience would show whether it was wise or otherwise.

Mr. MURRAY believed it would be a very prudent measure to secure the ship-timber in question; for if we did not, it was probable some foreign nation would get possession of it. He did not know whether the laws of Georgia would permit foreigners to purchase the land upon which this timber grew; but if they would not, it would be no difficult thing to get possession of it through the medium of an individual. If this country were to become a maritime Power, and no one who considered the subject for a moment could doubt it, this was too rich a mine to be neglected. What had been said about adopting the Chinese policy, might serve to amuse them; but when they looked at the commerce of the country, it was impossible they should not see the necessity of a naval force to protect that commerce against the depredations of any nation who chose to attack it. Indeed, it was come to this, they must either provide for the protection of commerce, or deny the utility of it, and give it up altogether.

But the gentleman from Virginia [Mr. NICHOLAS] was afraid if these frigates were sent out to sea, they would involve us in a war. What! said he, can it be supposed that three frigates would give us that ridiculous kind of spirit which would induce us at any rate to go to war? This would be a species of insanity which he did not think it was probable we should fall into. No: these vessels would serve to protect our coasts, and preserve our commerce from attacks, at least, within a small distance from our own ports. How far they might serve to render us of some importance in the eyes of foreign nations, he could not tell; but he believed that three frigates would have a greater effect in this respect with us, than ten to Sweden, Denmark, or Holland. We lie, said he, near the high road of commerce to the West Indies, and these three frigates, backed by national wealth, would show a disposition to become a maritime Power, and would have their effect upon European nations.

Besides Mr. M. said, these vessels would be the foundation of a future Navy. He was for shaping our means of defence to the means of offence employed against us by other nations; for until the European nations became wise enough to cease from war, it was necessary to provide means of defence, against their attacks. He should, therefore, always give his support to every means of national defence. He wished our nation to stand upon a respectable footing as a nation, since the most magnanimous conduct was no security against the attacks of foreign Powers. He should, there-

fore, be in favor of a naval yard, and of providing ship-timber for future use.

Mr. HARPER said, the two resolutions respecting a naval yard and a provision for timber should come under consideration together; because, if no provision was made for purchasing timber, a naval yard would be of no use.

This question, he said, was capable of being considered under two points of view; the one whether the measure was proper; the other, if the measure was proper, whether it would not be better postponed for the present. Both of these points required a considerable degree of attention. There was a variety of considerations on both sides of the question, and it remained for them to determine for the best.

Was it proper for this country, he asked, to turn its attention towards marine strength? Did not our situation, and the circumstances in which we stand; compel us to turn our attention to this object? He thought they did, and for one or two reasons which he would submit to the consideration of the committee.

It appeared to him out of the question that any kind of commerce should be continued without some ships-of-war to protect it. This was the dilemma in which we were placed. It was said by some gentlemen that this dilemma might be avoided, by suffering commerce to go on unprotected, and subject it to all risks; and that even then, there would be sufficient benefit arising from it, to induce its continuance. This he did not believe. If persons engaged in commerce could have no dependance upon the protection of Government, a very few years, perhaps a few months more, might convince them that the business could not, and ought not to be continued.

The present Government, he said, had only been in existence eight years, and for nearly four of them commerce had been subject to every kind of depredation. The usual calculation with respect to Europe was, that, during every ten years, it would be subject to war, and that these wars would have a duration of from six to eight years, in the course of which our property and citizens would be subject to the same violations and injuries which they had for the last four years experienced, if no provision was made, by a naval power, to prevent it.

Besides, he said, persons finding the inefficacy of Government to protect them in their persons and property (for which purpose Governments were alone instituted) would, in time, lose all respect for it. And this disposition would extend to all classes of citizens; for, though at first the merchants in seaports were the persons who experienced this want of protection, it would, by degrees, spread over the whole Union; and, he said, after a Government shall once become contemptible in the eyes of its own citizens, from its being unable to protect them, it was but another step for them to wish to drop it, and to hope for some new system under which they might receive that protection which they could not receive under it. He believed, therefore, commerce could not exist without a naval establishment.

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Brought to this dilemma, said he, which side will you take? Will you give up commerce, or build a Navy to protect it? Besides, he said, a great part of our citizens who had been trained up in commerce from their infancy, could not be driven from that kind of employment to which they had always been accustomed. They could not be induced, like the Chinese, to stay at home; they would be engaged in commerce, their favorite pursuit. If they, then, were compelled to protect commerce, he asked if there was any other way of doing it, than by a Navy? He believed not. Treaties afford a feeble and very inadequate protection; they were broken whenever it suited the interest of a nation to break them. Letters of marque might afford some protection; but this would operate as a heavier tax upon the people than even the support of a Navy. The money which a merchant expended in this way would eventually come upon the people in the price which they would be obliged to pay for their merchandise, and the means would be very inadequate to protection.

In China and the East Indies, Mr. H. said, the inhabitants could shut themselves up within their own territory, and avoid any intercourse with foreign nations. In countries so far removed from Europe, as to prevent any one nation from making a monopoly of its trade, this policy might exist. But could America lay up her ships, and say she would open her ports to all nations? No; that very instant you give up your trade to that nation which has the greatest power at sea; for she will immediately block up your ports, and oblige you to trade with them only. In order, therefore, to trade with all nations, we must be the carriers of our own produce, for other nations would not leave us at liberty to do so. The strongest Power would say to the others, you shall not trade with these people, you shall do so and so, or we will go to war with you. You must, therefore, said he, protect your own trade.

Will these resolutions, then, said he, if adopted, tend to this point? He believed they would. To provide a dock-yard, and to take care of a supply of timber suitable for the purpose of ship-building, were very essential steps. Much expense, he said, would be saved in carrying on the building of several ships together in one yard, instead of having them scattered in different parts of the Union. Timber might also be laid up to season in this yard, so as always to be ready for use; for, he believed, that much of the delay which had attended the building of the ships now on the stocks, had been owing to the difficulty which had attended the procuring of proper timber. Besides, Mr. H. said, its being known to foreign nations, that you had provided a dock-yard, would have some weight; it would at least have the appearance of an intention of building a Navy.

With respect to the purchasing of land clothed with live oak timber, he thought it a very desirable measure. It was well known that this timber was confined to a few spots—a few sea islands on the coast of South Carolina and Georgia, and some small strips along the sea shore; and in each

of these places there were only a few trees of a sufficient size for building large ships. The land upon which these trees grew, since the cultivation of cotton had been introduced into those parts, was become valuable land for that purpose. This induced the people to cut down the timber and burn it, for the sake of getting the land, and there was no way of arresting this practice, but by securing the land; and, being of so good a quality, when the trees were cut down, it would probably sell for a greater price than was originally given for it.

But, it might be asked, was this a proper time for going into the business? He believed it was. It was his opinion, if they did not speedily lay hold of this timber, it might get into the hands of a foreign country. And, if the timber was secured, it was necessary to have a dock-yard. He believed it important to go into the business at this time, when our commerce was in a very embarrassed situation; for, if this subject was not now entered into, our citizens would despair of any thing being done for them. It was time, he said, they should show a disposition to repel the injuries which were loaded upon them by foreign nations; for, if we did not show this disposition, we might expect continual repetitions of these injuries.

He was, therefore, convinced that this was the proper time to begin a business of this kind. He believed it would have been a fortunate thing for this country, if it had been begun five years ago. If this had been the case, he believed the frigates would long since have been finished. The sooner, however, they now begin the business, the sooner it would be completed. And when a dock-yard was once established, a small expense would keep it up.

These considerations had appeared to him of sufficient importance to induce him to vote for the measure, and he trusted they would form some apology for his having taken up so much of the time of the Committee.

Mr. GALLATIN saw no connexion between the two resolutions, which the gentleman who had just sat down thought it necessary to connect together. The last resolution proposed the purchase of land clothed with live oak; the present proposed the appropriation of a sum of money for purchasing the site of a naval yard, &c., as a foundation for a Navy. The last went only to the securing of timber for the building of a Navy, if at any day it should be thought necessary; he believed he should vote for the last, but certainly against the first.

They had been told that no commerce could exist without protection, and that that protection must be a Navy; from whence it would follow, that if a Navy was necessary to protect commerce it must be a Navy competent to vie with the navies of other nations. He would here ask, how gentlemen drew their conclusion, that commerce could not exist without the protection of a Navy. He wished they would show from the example of any nation in Europe, or from our own example, that commerce and navies had gone hand in hand.

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There was no nation, except Great Britain, said he, whose Navy had any connexion with commerce. No nation, except England and Holland, had more to do with commerce than this country, and yet we had no Navy; and though for the four last years this commerce had been subject to continual depredations, it was not exceeded by any nation, except the two he had named. And if they looked to Europe, they would find there was no connexion between navies and commerce. Russia and Sweden had considerable navies, but little commerce; whilst Holland, whose Navy was by no means large, ranked next to England with respect to commerce. Hamburg, he said, was one of the first commercial States in Europe, yet she had no Navy. Navies, he said, were the instruments of power, more calculated to annoy the trade of other nations, than to protect that of the nation to which they belong.

The gentleman last up told them commerce could not exist without a Navy, yet, he said, it was impossible to prevent persons who had been brought up in this way from pursuing it. The gentleman seemed here to admit of a contradiction. If it were impossible to prevent the people from following their commercial pursuits, notwithstanding all the injuries their commerce sustained, he did not see how the position could be established, that it could not exist without a Navy. As to what had been said about Chinese policy, he did not understand it. If they meant the Chinese had nothing to do with commerce, they were certainly wrong, for they had much commerce. It was true, from their ignorance, they did not undertake long voyages, either to Europe or America; they confined themselves nearer home, but they had, notwithstanding, very considerable commerce.

But there was another position which he should take in opposition to gentlemen who supported the creation of a Navy, viz: that however useful or desirable a Navy might be, this country was not equal to the support of one. We might have two or three frigates indeed, but, when he said we could not support a Navy, he meant to say we could not support such a Navy as should claim respect, in the sense which those gentlemen spoke of it; such as being an object of terror to foreign nations. If they calculated what the three frigates had cost, considered the scanty manner in which this country was peopled, our inability to raise any very large revenue, and the high price of labor, the truth of this assertion would appear evident.

Again, if such a Navy were created, how was it to be manned? He wished gentlemen to point out any mode in which a Navy could be manned in this country without having recourse to the abominable practice of impressment. If the nations of Europe found it impossible to man their fleets without having recourse to these violent means, he believed it would be impossible, without breaking down those barriers which secured the liberty of every citizen, to man a Navy in this country.

Perhaps he might be asked, if we were, then,

to be left without protection? He thought there were means of protection which arose from our peculiar situation, and that we ought not to borrow institutions from other nations for which we were not fit. If our commerce had increased, notwithstanding its want of protection; if we had a greater number of seamen than any other nation, except England, this, he thought, pointed out the way in which commerce ought to be protected. The fact was, that our only mode of warfare against European nations at sea, was by putting our seamen on board privateers, and covering the sea with them; these would annoy their trade, and distress them more than any other mode of defence we could adopt.

In his opinion, there was a much more effectual way of securing the respect of foreign nations than by building a Navy; this was by applying all our resources to the payment of our Public Debt. Two thirds of our present revenue, he said, went to the payment of the interest of this debt. If we were therefore, first to exert ourselves to pay off that debt, a few years hence, he said, we should be infinitely better prepared to attempt a Navy.

He judged for himself on this occasion, and he wished every member to do the same. He thought it impossible for this country at present to support a Navy, and as a naval yard would be of no use, except it could be employed, he should be against granting any money for that purpose. He wished, however, if they possessed any advantages for ship-building, which might be desirable twelve or fifteen years hence, when our means were increased, to transmit those advantages to the next generation unimpaired. He was, therefore, willing to appropriate a small sum for the purchase of live oak; not because we wanted it now, but to secure resources for a future day, if it should be wanted.

The Committee rose, and had leave to sit again.

PROSECUTION OF CLAIMS.

Mr. W. SMITH said, yesterday, when the subject of appropriations was under consideration, some objections were made to the 50,000 dollars estimated as necessary for the purposes of foreign intercourse, and information was called for upon this subject. He had received some information on this head; but as he had it not officially, he would propose a resolution to the House for obtaining it. The following was proposed and agreed to:

Resolved, That the Secretary of the Treasury be directed to lay before this House such information as he may possess, or be able to obtain, relative to the expense of prosecuting the claims of our citizens whose property may have been captured by the belligerent Powers, for which the sum of \$50,000 is estimated as necessary for the present year."

Mr. W. LYMAN, from the committee appointed on the 16th of December last, to inquire into the actual state of the fortifications of the ports and harbors of the United States, and whether any, and what further provision is necessary to be made on that subject, made a report; which was read, and ordered to lie on the table.

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Ordered, That the report of the committee appointed on the 16th of December last, to inquire into the actual state of the fortifications of the ports and harbors of the United States; and whether any, and what further provision is necessary to be made on that subject, which lay on the table, be committed to a Committee of the Whole House on Wednesday next.

Mr. D. FOSTER, from the Committee of Claims, to whom were referred the petition of the Corporation of Rhode Island College, and a report of the Secretary of the Treasury thereon, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Wednesday next.

On motion, it was

Resolved, That a committee be appointed to inquire into the propriety of authorizing the accounting officers of the Treasury to adjust and settle all such necessary expenses and reasonable demands as have been occasioned by the prosecution and trial of persons for offences, during the late insurrection, to be paid out of the fund appropriated by the act of last session; and that the said committee report thereon by bill or otherwise.

Ordered, That Mr. GALLATIN, Mr. SWIFT, and Mr. NICHOLAS, be appointed a committee, pursuant to the said resolution.

NAVAL EQUIPMENTS.

On motion, the House again resolved itself into a Committee of the Whole, on the report of the committee on the state of the Naval Equipments, when the question was put upon the following resolution, and negatively, there being only 23 votes in favor of it:

Resolved, That — dollars ought to be appropriated for the purpose of buying and fitting up for the United States, a proper site for a Naval Yard."

The last resolution, in the following words, then came under consideration, viz:

Resolved, That — dollars ought to be appropriated for the purpose of purchasing live-oak and red cedar timber, or lands stored therewith, for naval purposes."

Mr. W. SMITH hoped this resolution would be agreed to, as, although that House was now disinclined to go into the building of a Navy, it might be the wish of a future Congress to protect our commerce by an adequate naval force; it would be prudent, therefore, to secure any advantages which we at present possessed for building ships of war. On this account it was proposed to secure certain lands covered with valuable ship-timber. This, he said, was a subject of considerable magnitude. It was to be regretted that measures had not been adopted sooner to get possession of this land, as it would have been got cheaper than at present, but it would be got cheaper now than if it were longer delayed. He thought it a desirable measure, and trusted it would be agreed to.

Mr. W. LYMAN said, he wanted some information on the subject before he could vote for the

present measure. He wished to know how much land was necessary, and whether all the land proposed to be purchased was covered with large timber. He supposed if this land was purchased they must appoint foresters to take care the timber was not carried off. But, perhaps, on inquiry, it might be found to be of more benefit to the country to have the land for cultivation than to have it covered with timber. He wished these things to be made clear before he appropriated money for this purpose.

Mr. VENABLE thought this measure premature. It was necessary to have information on the subject; for, if he was ever so much disposed to purchase the land in question, he did not know what money would be necessary for the purpose. He neither knew the quantity of land, of timber, or the price of land in that country, and they had no kind of estimate before them. He had no objection to an inquiry being made on the subject, as to the quantity of land and of timber, and the probable price of it. This might be useful to the House, and enable them to form some estimate on the subject; but, without such information, he did not know how gentlemen, who were strangers to the country, could vote. Doubtless, as soon as any law passed to purchase this land, it would be made a matter of speculation, and land which might be purchased low now, would then be charged a very high price.

Mr. PARKER said, he had made some inquiry on the subject, and found that there were large tracts of land in the State of Georgia covered with this timber, and he had no doubt but a sufficient quantity might be got at from three to four dollars an acre. He had received an estimate from the War Office, of a tract of land on the island of St. Mary's, in Georgia, which might be purchased for \$64,000, and would be sufficient, by successive growth, to serve the United States for centuries to come; but if advantage was not taken of this land now, some European Government might get possession of it. In Great Britain they had not sufficient timber for their Navy, without having recourse to foreign countries; they were also similarly situated in France, and if their resources in the north of Europe failed, they would doubtless have recourse to America, and they would find no difficulty in getting possession of it. If, therefore, it was the object of this Government at any time to have a Navy, it was of consequence to secure this timber; it would be one of the wisest measures which could be adopted. As to this land being wanted for cultivation, that was scarcely probable, as there was land enough in that State to sustain four millions of inhabitants, and they had not at present more than 100,000 white people in the whole State.

Mr. RUTHERFORD was in favor of the measure, as proper and prudent; for, though he trusted we should never have a large Navy, yet it was proper to have a reserve of this sort, as it might be sold for at least as much as it cost, if it was not wanted.

Mr. MILLEDGE said, the gentleman from South Carolina [Mr. HARPER] had made a correct state-

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ment with respect to the ship-timber growing in Georgia; there was a considerable quantity of it along the coast, extending three or four miles from the shore. In collecting the timber for the frigates, there had been considerable difficulty, he said, in procuring timber large enough; almost the whole of their sea-islands were examined for the purpose. Previous to the Revolution, he said, the King of Great Britain directed a survey to be made of their coast on the subject of ship-timber, and there was one island in particular which was reported to contain the finest timber on the coast; this was the island of Isepaw. Since the introduction of the growth of cotton the soil had become very valuable, and every year great quantities of this timber were cut down for the purpose of clearing the ground for the cultivation of this article. This land, he said, sold for two or three guineas an acre. He thought, if the United States were possessed of this island, it would be sufficient for building any number of ships for which they might have occasion.

Mr. HOLLAND said, the gentleman from Georgia had informed them that there had been great difficulty to procure timber sufficiently large for the frigates; the price of the frigates was a sufficient evidence of that difficulty. He had made a calculation, and found that five ninety-gun ships, built of Mediterranean timber, would not cost so much as our three frigates. It was not necessary therefore, to take any means to secure our timber, because, if it should fail, it might be procured from the Mediterranean upon better terms, it seemed, than from our own forests.

The gentlemen from Georgia, South Carolina, and Virginia, differed considerably with respect to the value of the land on which this timber grew. Besides, he said, it was not yet determined that a Navy would ever be desirable in this country, and, therefore, it was not necessary to go into a speculation of this sort. He thought they had much better pay their debts than go into speculations of purchases of islands for the sake of timber which might never be wanted. We should first be just and pay our debts, and then, if anything remained, it might be appropriated to purchase timber islands.

Mr. WILLIAMS said, he was at a loss how to vote on this occasion. He did not know whether the land was good or bad, or whether the timber growing upon it was in large quantities or small. The gentleman from South Carolina had said the land was of the best kind, and that the timber would be cut down for the sake of cultivation; the gentleman from Virginia believed it very indifferent, and the gentleman from Georgia thought it worth three guineas an acre. In order to get some more accurate knowledge on the subject, he wished the PRESIDENT to be authorized to make inquiry on the subject, and proposed a resolution to that effect; but the Chairman informing him it was not then in order, it was withdrawn.

Mr. HEATH said, it would first be proper to know whether there was a desire for increasing the Navy, before they went into any scheme like the present. He believed there was timber enough

on hand for the three frigates, and he saw no necessity for providing more. The gentleman from South Carolina was apprehensive that if we did not purchase this land the timber would get into the hands of foreign agents. He wished they would purchase it; he would rather have their money than the timber; he thought it would be of greater service to the country. He should be glad if they would purchase all our forests. He was sorry to see an appetite in that House for a large Navy; to increase our ships of war, he said, would be to increase our folly, and disgrace our councils to posterity. Were this law to be passed, they might expect to have forty or fifty persons employed for one purpose or another; and they should have a quantity of timber lying in their naval yards rotting, for he hoped it would never be used for ships of war.

He said he was sorry to see such a desire to imitate the practice of monarchical Governments; he wished to stand aloof from European politics and European broils; and could almost wish, with an eminent philosopher [Mr. Rittenhouse] now no more, that "Nature would raise her everlasting bars between the new and the old world, and make a voyage to Europe as impracticable as one to the moon."

Mr. S. SMITH said, he was not in favor of the bars which the gentleman last up wished to be placed betwixt us and European nations. The resolution before them, he said, proposed to secure timber for the purpose of building ships of war at a future day.

It had been said by the gentleman from Virginia [Mr. NICHOLAS] that all the advantages which were derived from commerce would not counterbalance the evils which a Navy would introduce. It would be proper, therefore, to inquire into this matter. Our commerce he said, had grown up and surprised the world, and ourselves, without protection; but would this commerce continue to prosper unprotected? He supposed not. Our commerce, he said, had produced, from the establishment of the present Government, a revenue of seventy-five millions of dollars. And how, he asked, had this been expended? It might be supposed, from the arguments of gentlemen, that it had been lavished on commerce. Had this been the case? If it had, commercial men had no right to complain; but if it had not they had a just right to complain that no protection was held out to them. Of this sum, there had been expended, he said, on the Western frontier, and to quell the Western insurrection, between twelve and fifteen millions; and the rest, how had it been applied? It had been applied to pay the interest and part of the Public Debt, to pay the Civil List, and other expenses of Government. Except about seven hundred thousand dollars, which had been appropriated for the frigates, all these seventy-five millions had been expended on objects foreign from commerce. But gentlemen said these seven hundred thousand dollars had been thrown away. Grant this; he trusted they should learn wisdom from it in future. Was, then, one-eightieth part of what had been produced by commerce too

much to have been expended upon it? Some gentlemen seemed to be of that opinion, and wished the vessels sold. None of those gentlemen whose property of every kind had been increased by the plenty which commerce had introduced, were willing to hold out a hand to protect it at a time when it was oppressed.

But, it might be said, commercial men did not pay this money. He knew they did not; he was well aware the people at large paid it; but it was derived from commerce, and without which it would not have been paid.

He had said that only one-eightieth part of the revenue produced by commerce had been expended upon it; but, was this revenue alone the only benefit derived from commerce? No: there were advantages everywhere to be seen in the prosperity and independence of the country. Whether, said he, we look in the large cities, in the villages, or upon the plantation of the farmer, all carry the cheerful appearance of plenty, as a consequence of commercial enterprise. Go where you will, said he, throughout the whole continent of America, and you see wealth, independence, and happiness, arising from the prosperity introduced by commerce.

The nations of Europe, Mr. S. said, had long looked with envy on the American commerce, and if it were to be left unprotected they might seize upon it at pleasure. Had not this been the case? Had not Great Britain taken three millions of our unprotected property? And what did we say to them? We stood aghast, looking at one another. One man proposed one thing, and one man another; we rested satisfied with sending an Envoy to treat; a Treaty had been made, but a single shilling had not been received, and the other day, when fifty thousand dollars were proposed to be appropriated to pay the expense of prosecuting these claims, many objections were urged against it. Indeed, it seemed as if some gentlemen would have no objection to see the commerce of the country wholly destroyed.

Another nation, seeing the spoiliations committed upon our property with impunity by the British, had followed her example, and had seized to the amount of from five to six millions. They had no commerce, and therefore it was out of our power even to retaliate upon them. They say, "you suffered the British to take your property to our disadvantage, therefore, we will take it to theirs." And so, said he, we are buffeted and abused on all sides.

He supposed, however, it was to no purpose going into arguments on this subject, as he doubted not the minds of members were determined upon it. In the course of twenty or thirty years, when it shall have been lost, we shall have learnt to know the value of commerce, upon which the happiness of the United States, in a great measure, at present depends.

They had been asked by the gentleman from Pennsylvania [Mr. GALLATIN] in what nation, besides Great Britain, their Navy went hand in hand with commerce. He would ask that gentleman in what nation commerce had flourished, to

any extent, without a Navy? He knew of none; and the commerce of this country could not be brought as an instance, as unexampled depredations had been committed upon it for the last four years. It would be needless to show to that gentleman, that the commerce of all nations, from the earliest period of time, which was not protected by a Navy, had been constantly kept in a state of depression. His own reading had, doubtless, furnished him with the information.

In the dark ages of European history, Mr. S. said, the Hanseatic League (of which Hamburg was a port) rose up in the commercial line; they protected their commerce; they forced respect to their ships; though single cities, they stood against all the Empires which surrounded them, until navies were raised against them. The Dutch afterwards rose into consequence, and extended their commerce to distant parts of the globe. At that period the commerce of England had scarcely a name. But, during the Long Parliament in England, the famous Navigation Act passed, after which the commerce of that country began to extend itself to every part of the globe. The waters of Holland, he said, would not admit of large ships, and, in consequence, their trade was depressed, and America, at this time, possessed more shipping than Holland.

The gentleman from Pennsylvania had said Hamburg was without protection; but did not that gentleman know that she owed her safety to the constant jealousy of Denmark and Prussia. And what was this trade, he asked? It was not carried on by their own ships. America did much to the support of that trade. When did you see, said he, a Hamburg vessel? Scarcely ever. Their trade was principally carried on by the vessels of other nations. It was true that, at present, it was a city of great commerce; but its liberty depended upon the jealousy of two great Potentates, and the moment they agreed, it would fall to that Power which possessed the strongest naval force.

It was ridiculous, he said, to think of supporting any considerable commerce without a naval force; but gentlemen say, if we had armed ships, they would lead us into war; so, we could not have power, but we must abuse it. This was paying us no compliment; but he differed widely in opinion from gentlemen on this subject; he was of opinion that, if we had twelve ships of war, no European Power would commit the depredations upon us which they did at present.

Great Britain seized upon the ships of Denmark; what did she do in return? She armed, and said she would not submit to be so treated, and restitution was made. But what, he asked, was done to us? We were put off by a trial; and, after gaining our causes, we were sent to the West Indies, to seek redress from the Captain who committed the injustice against us; and, if he were not able to pay, then we had to return again to Great Britain for satisfaction. If, said he, we had twelve ships of war, they would not treat us thus.

To him, he said, the conduct of gentlemen was very extraordinary. There were five large seaports,

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from which came most of the revenue of the United States; these ports, for the good of the whole, joined heartily in the Federal Government; before that time they were in the habit of raising revenue from other States, but they joined the General Government, in hope of meeting with protection from it. They now saw how they were to be protected. Fifteen millions of property had been expended in the defence of one part of the Union, and yet the Representatives from that quarter seemed to rise, as in a mass, to vote against any protection being given to commerce. He was astonished to see such conduct from men so well informed on other subjects.

They had been told by the gentleman from Virginia, [Mr. NICHOLAS,] that it was necessary they should correct their habits. They were frequently told so from the pulpit; but prejudices, he said, grew up with them, which it was difficult to shake off. In some parts of the Union, commerce was carried on by means of foreign agents and factors, who took their produce at an under value; and being so brought up, persons were prejudiced in favor of that way of doing business. Perhaps the mind of the gentleman from Virginia might have a prejudice of this kind; if so, he could have no just idea of an independent commerce. He hoped gentlemen would endeavor to get clear of these kind of prejudices and join heartily in supporting and protecting an honorable and independent commerce.

Mr. CORR said, if the gentleman last up was possessed of a spirit of prophecy, he might, doubtless, foretell the events he had mentioned; and if eloquence was to effect his point, he might, perhaps, be successful; but eloquence was not argument; and he thought the gentleman had wandered greatly from the question, which was, whether a quantity of timber land should be purchased for the future purposes of Government.

It was not surprising, that gentlemen who wished a Naval Establishment should lay hold of everything with avidity which led that way. For his part, he hoped the United States would not, at present, go into a Navy. He believed the United States would be more prosperous without a Navy than with one. They, therefore, differed in opinion, and, except he should be convinced he was wrong, he should certainly vote against the present question.

But it was said, this timber might be wanted at some future period, when it could not be had. He thought the arguments on this point totally inadequate. No business could be undertaken by the public upon such good terms as by individuals. So soon as you open the door of the Treasury, you cannot tell the amount which will be wanted out of it. When the land was purchased, it must be taken care of; what further expense would be necessary, he could not say. Perhaps it would be said, when they were in possession of timber, that, since they had the timber, they ought to proceed with building ships.

Besides, he said, there was no business so uncertain and ruinous as that of speculation to an individual, and if ruinous to individuals how much

more so would it be to the public? The expense being certain, and the advantage very contingent, he should, therefore, be opposed to the resolution.

Mr. GALLATIN said, he would not have troubled the Committee again on this subject, had not the gentleman from Maryland [Mr. S. SMITH] attacked gentlemen from the frontiers, with being less inclined than others to give protection to commerce.

On this ground, he had before stated, that the commercial interests of this country were so connected with those of agriculture, that any protection which it was in the power of the United States to give them, he would always be ready to give. He conceived that the protection given to commerce would tend to increase the price of produce; and though the farmers were not so immediately injured by any mischief which befel commerce, yet, in the end, the loss was pretty equally felt.

It was unnecessary, Mr. G. said, to examine into the truth of the statements which the gentleman from Maryland had produced with respect to the amount of revenue produced by commerce, or the expense of defending the frontier; because it would not be denied, that the whole of our revenue was produced from commerce, and that the expense on the frontier had been very considerable; yet, he was mistaken in his assertion: the amount of our resources, including loans, did not amount to seventy-five millions. He had no papers by him, and he could not trust his memory in respect to figures; yet, he would assert that, instead of seventy-five, the duties arising from commerce since the establishment of the Government, would fall short of thirty-five millions. He believed they would not exceed thirty. Again, when the gentleman spoke of the expense on the frontier being from twelve to fifteen millions, he was mistaken. He could speak with certainty on this subject. The expense of the Military and Militia was eight millions, and the last year the amount of expense was one million two hundred thousand dollars; therefore, this expense was only nine, instead of twelve or fifteen millions.

He would observe, that this money was not expended solely for the protection of the frontier, nor at the request of the inhabitants, but for other purposes; and that gentleman must do him the justice to say, that when the question was before them for providing a defence for the frontier, he was as much for saving expense as upon this occasion. He had no particular view; his wish was to save expense, and thereby promote the general interests of the Union.

Mr. G. said, he was still of opinion that a Navy was not essentially necessary to the protection of commerce. Nothing he had heard on that subject had at all tended to change his opinion. It might, to a certain degree, be convenient; but he thought the expense greater than the advantages to be derived from such an establishment. In this assertion, he would say, he was warranted by the example of all other nations. No nation, except Great Britain, had any Navy in proportion to its

commerce; and that Navy was erected more for the purpose of extending her power, than for the protection of her commerce. He would assert, from an investigation of the most authentic official documents, that the amount of tonnage employed in foreign trade in this country was equal to that employed in any other, except Great Britain. The object of a Navy, he said, was not so much to protect commerce as to augment the power of a nation. But, if we were to be dazzled by the conduct of Great Britain in this respect, so as to desire to imitate her example, because she is a powerful nation and has an extensive trade, it would be well to consider the consequences of this policy. It was true, they had three hundred ships of war. And what, said he, is the price they have paid for them? Their Public Debt is upwards of three hundred millions sterling, and this debt had been chiefly produced by this Navy. This was not merely his opinion, he would refer to Sir John Sinclair, the author of a treatise on the revenues of Great Britain, who proves that it had been owing to the Navy that their debt was at the enormous amount he had mentioned, and that extensive navies had been the ruin of every nation which had possessed them.

But, Mr. G. said, he might be told that this was a mere theoretic opinion of his own, and that a Navy was essential to this country. He said, he did not presume to judge for generations to come; but he would repeat that we were not at present capable of supporting a Navy; our situation would not admit of it; our revenues were not sufficient; and men could not be got, without recourse to arbitrary and unwarrantable measures to raise them.

He had said, when he was up yesterday on this subject, that if we were in possession of any resources for ship-building, he should wish them to go unimpaired to posterity, and that he was therefore willing to do something towards the purchase of land; but, from the information which he had received that day, on that floor, he thought the resolution premature.

They had been told by the Chairman of the Committee that sixty-four thousand dollars would be sufficient to purchase sufficient timber land for the purpose in view; a gentleman from Georgia had told them that a certain island must be the object, which was worth from two to three guineas an acre; but he had also told them that it was with great difficulty that timber was found sufficiently large for the frigates now building. It followed, that those islands did not produce timber sufficiently large for ships of war, though it might be large enough for merchantmen. Though this timber might be very good, yet, if its size did not answer, the business was premature. He thought they ought not to go further, therefore, at present, than to empower the PRESIDENT to make inquiries on the subject.

Mr. CHRISTIE said, he was far from thinking commerce was not worthy of protection. He would give it all the protection he could; but he thought it might be more economically protected than by a Navy. Four years ago, an effectual

protection was proposed, but it was then called a paper, chimerical protection; but it would have been found a better protection than frigates. He trusted he should never see a single armed vessel belong to the United States; he hoped, also, that his posterity might not. He did not wish to see so much of the property of the people of the United States engaged in this business; it would be the saving of *pence*, at the expense of *pounds*.

It was an extraordinary thing, he said, that, at a time when they had not money to pay for a house for Congress to sit in, gentlemen should wish them to go into a speculation like the present. It was said this land might be purchased for sixty thousand dollars, but he was certain they should not purchase it for £30 an acre. He knew it had got into the hands of those who would make money by it. He thought, if the object was to keep it from foreigners, it would be much better to pass a law to prevent the exportation of the timber, than to purchase the land. But, said he, if by sowing an acorn, it would grow up into a first-rate ship of war every year, I would not give a dollar for that acorn, if it must be employed in the service of the United States. When the vessels were finished, he should vote for selling them. Indeed, he would much rather they were burnt, than that they should be manned; for, so far from their being a protection to commerce, they would certainly involve us in a war. The moment they went out, they would be treated with indignity by the British or French; and then, said he, we should have another Envoy to send to Great Britain or France, to beg of them to accommodate the business. He had voted against the frigates from the beginning, and would continue to do so.

Mr. PARKER thought it necessary to remark upon what had been said with respect to the different estimates which had been made of the value of the timber-land in Georgia. It was true, that the island mentioned by the gentleman from Georgia was worth three guineas an acre, but there were others which might be purchased for four dollars. In searching for timber for the frigates, the whole of that coast was ransacked; but he believed, on every part of that shore, plenty of timber was to be got for the sum which he had mentioned.

Mr. MILLEDGE said, the timber in the southern part of the State of Georgia was not so good as in the northern. Land in the South might be got at three dollars an acre, but he thought it would not be found to answer the purpose so well as the timber in the more northerly parts.

Mr. W. SMITH said he did not expect that the consideration whether this country was likely to become a Naval Power would have come into consideration on this question; but as it had been introduced, it would be necessary to say a few words on that subject.

It had been said by the gentleman from Maryland [Mr. CHRISTIE] that he was opposed to the purchasing of land, but that the timber might be secured by prohibiting the exportation of live-oak; but he immediately said, he should not wish to see this timber in ships-of-war; and if he did not wish

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to see it made use of in this way, there was no occasion to prevent its exportation.

Mr. S. said, as it had been made a subject of inquiry whether this country should become a Naval Power or not, they should consider how much our revenue depended on commerce—how much the habits of our citizens were commercial—and learn, from the histories of other countries, that commerce cannot be protected but by a Navy. He said he was not singular in his opinion. He could produce the opinion of a man from the State, whence much of the opposition to this measure proceeded—an opinion which would doubtless have considerable weight in that House: he alluded to Mr. JEFFERSON's Notes on Virginia. [Mr. S. here read a pretty long extract from Mr. JEFFERSON's book, in favor of a Navy for the protection of commerce in this country.]

If the resources of the United States were such, (and Mr. JEFFERSON said they were, or might be in a few years—that a moderate assessment from the different States would enable them to build eighteen ships in one year,) gentlemen should not be so alarmed at the measure of a naval force. It was true, there were many objections to going into a subject of this kind at present, the greatest of which was the present high price of labor. The price which the frigates now building would cost was very great, but the expense of every undertaking was at first large. The exploring for timber, &c., produced an expense which would not again occur. Mr. JEFFERSON seemed fully of opinion that this country was equal to the building and the supporting of a Navy. This opinion was further confirmed by his report made to that House some years ago. [Mr. S. read an extract from this report, and also an extract from a speech of some member in a former Congress on this subject.]

Mr. S. said he could not conceive why the United States were not as competent to a Navy as European Powers whose resources were not equal to ours. He could name three Powers who were in this situation, viz: Sweden, Denmark, and Holland. He enumerated their resources to be as follows:

In Sweden, the population in 1772 was 3,000,000, revenue 11,000,000, national debt 60,000,000; she had 30 ships of the line, 12 or 14 frigates, 50 galleys, and from 15,000 to 17,000 seamen.

In Denmark, the population at the same time was 2,200,000, revenue 7,000,000, and but little debt; she had 31 ships of the line, 9 fifties, and 21 frigates.

In Holland, the population in 1772 was 2,000,000, in 1785 2,700,000; but in 1796, it had been so reduced by the revolution as only to be 1,880,000. The revenue of the seven United Provinces was 4,500,000, debts 2,000,000,000 of florins, or £200,000,000 sterling; owing by other countries to Holland, 585,000,000 of florins. The Navy in 1782 was 42 ships of the line, 43 frigates, and 10 cutters.

Mr. S. said, these resources were inferior to those of the United States, and therefore insured that we were equal to the maintaining of a fleet, particularly, said he, when a much smaller one would serve us (according to the opinion of Mr. JEFFER-

son) than served them, since European Powers could never send out more than a detachment against us, which, from so long a voyage, would always be liable to accident or injury.

The gentleman from Pennsylvania had made some observations with respect to the Navy of Great Britain, in which he could not concur. That gentleman did not take into consideration, that it was to her Navy that that nation owed its independence. Admitting that her debt had been greatly increased by her Navy, did not every gentleman see, that if it had not been for her Navy, she would have been subject to other Powers? A great part of her debt was, however, incurred by land-wars on the continent of Europe.

It was observed yesterday by a gentleman from Virginia [Mr. NICHOLAS] that the law for building the frigates was passed by surprise, and very properly answered by the gentleman from Maryland [Mr. S. SMITH] that it underwent a very full discussion. But, said he, what occasioned this law to be passed? They found their commerce injured by foreign Powers, and wished to prevent those injuries in future. The majority was then in favor of a Navy, and what could have occasioned a change of opinion in that House he could not tell.

Gentlemen had exclaimed, What will three frigates do? Every Power, he said, must begin with a small force at first. He mentioned a remarkable fact on this subject last session, which he would repeat, viz: that the privateers fitted out in Liverpool alone, in the course of the late war, carried as many guns as the whole naval power of England consisted of in the reign of Queen Elizabeth, and it was at that time thought very considerable. Besides, he said, those gentlemen who advocated the building of the frigates, were not to blame for their number being so small.

Six were originally proposed to be built, but they had been reduced, contrary to their wish, to three. If there was any instability in this, it was not chargeable upon them. Another thing should be considered, when gentlemen spoke of the power of these three frigates so lightly. It should be recollected that these frigates were nearly as large as ships of the line, and might easily be converted into 74-gun ships. We might, therefore, in a few years, have a Navy sufficient to protect our commerce. Mr. S. said they should not then have to spend their time in a waste of words in abusing foreign countries; whereas, at present, they were one day declaiming against Algiers,* because our peace with that country had cost a great deal of money. At another time it was said we must not have frigates, because the expense was great. Some gentlemen would not have a land tax, because the expense of laying the tax would be considerable. But, for his part, he was for having revenue as fast as he could raise it, and he was for having a Navy as fast as he could get it. He believed the country would cheerfully bear the expense of it. At any rate, said he, let us secure timber for a future day. It was known that foreign agents had taken surveys of the land upon which

* This declamation has taken place with closed doors.

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this timber grew, and it was no more than prudent to take means to secure it. The observations he had read from Mr. JEFFERSON proved this. As to making the inquiry which had been mentioned, that would defeat the object, according to gentlemen's own arguments, as it would doubtless promote speculation; and therefore he thought it would be much more prudent to give the PRESIDENT power to purchase, whenever he could do it to advantage. Admitting (as had been hinted) that speculators had already bought this land, they must sell it. There were times when speculators wanted money, and when they would sell anything they had.

Another difficulty had been mentioned, that if the land was purchased, persons must be employed to take care of it. Suppose that were the case, what then? If \$500 or \$600 were paid for this purpose, it would be no great object; but he believed there would be no necessity for this expense, as the officers of Government in that quarter might be charged with the care of it.

Upon the whole, Mr. S. said, he thought it was their duty to authorize the PRESIDENT to purchase this land, as he was convinced the timber would be wanted at a future day.

Mr. HEATH wished to cite a passage from Mr. JEFFERSON'S book, which the gentleman from South Carolina had thought proper to omit. [He read the extract, which recommends above all things the cultivation of peace, and that it would be better to abandon the ocean altogether than be perpetually in war.] He charged the gentleman from South Carolina with perverting the author's sentiments by reading a part only of his sentiments; but, said he, it is a little lawyer-like—the case was *in point*.

He noticed what had fallen from the gentleman from Maryland, [Mr. S. SMITH,] with respect to their doing business by means of foreign agents. He said that time was past; they were now indebted to their brethren in the Northern and Eastern States for doing their commercial business, and they did not envy them of it.

Mr. MURRAY justified the fairness of the quotation made by his friend from South Carolina from Mr. JEFFERSON, and said the two quotations were perfectly consistent with each other.

Mr. PAGE said, he would not have troubled the Committee of the Whole with what occurred to him on the subject before them, had not the member from South Carolina [Mr. W. SMITH] quoted authorities in favor of his opinion, from Mr. JEFFERSON'S Notes on Virginia, and used expressions which, whether intended or not, might appear to those who heard them like insinuations that those who differed from him on the present question were inconsistent with themselves upon a former occasion, and that, too, from motives of partiality to those who were now making depredations on our commerce. As to Mr. JEFFERSON'S opinions, they were the opinions of a friend whom he highly respected; but he confessed he could not agree with him in the points alluded to. Mr. P. always differed from him respecting the equipment of a Navy, and the giving bounties to the fisheries, as

an encouragement to a nursery of seamen. He always thought that his friend's ideas of the necessity of having a Navy were borrowed from British writers and the example of Britain; but the cases of America and Britain were totally different. America had done well hitherto without a Navy: she never could want one more than now, and it was evident to him, if she had at the time we were promised them the six frigates originally intended, they could not have protected her vessels against British depredations, but would most probably have involved her in a war with Britain; and much less could three frigates protect them now against the two nations harassing her commerce. It was the interest of the United States to avoid wars, and the jealousy of maritime Powers—to encourage agriculture and domestic manufactures—and to leave commerce to itself. That commercial spirit of enterprise which it has been said is peculiar to our fellow-citizens will make its way into the commercial world without a Navy—ay, better without it than with it; for one frigate would deprive thirty ships of their sailors, and, by its expenses, oppress commerce. But Britain could not have existed as an independent nation without a Navy: it is necessary to the protection of her commerce, situated and circumstanced as she is; but it has been well observed, that it cost commerce more than its protection was worth. As to the inconsistency with which those with whom he should vote were charged, he was not sensible of it; for he, in particular, had from the beginning opposed the building of the frigates; he had objected to them as improper and useless as a defence against the Algerines. And as to preparations for defence against the nation alluded to, he had declared that he thought none necessary, and that if we had a fleet, when at sea, it would be such an object of our anxious attention, that it would be to certain Powers a pledge for our good behaviour, and the United States would be liable to be wounded in a tender part. If destroyed by an enemy, or by storm, we should scarcely prevail on Congress to vote appropriations for another fleet; and that, in our rivers and bays, proper galleys with large guns in their bows, and heavy guns and howitzers on traveling carriages on our shores to support them, with a well-armed militia, whether well trained or not, would be a sufficient protection for the United States; that he had said it would be better for the United States that an enemy's army should get into the centre of our country (because we could get rid of it as we had done) than that the country should be perpetually taxed to guard against a possible invasion; and that he and those now charged with inconsistency, he thought, had relied on commercial retaliation, and not on naval equipments in the case alluded to, and therefore were not inconsistent in voting now against preparations for a Navy; that, being deprived by Treaties of the right to make use of commercial retaliations, he was willing to rely on a pacific disposition and negotiations to adjust differences now existing; that the wished-for Navy, small as it was, if it could possibly have any good effect, could not be equipped before the present war would pro-

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bably be ended, and possibly all wars be abolished; for, without looking for the Millenium, we may well suppose that the nations now engaged in war have had enough of war, and will long, and if possible forever, avoid wars hereafter.

The United States, in his opinion, by cherishing peace, might render themselves amiable in the eyes of the world; and, by a proper use of peace, they might become great and powerful. They might, even now, without a Navy, hope to teach the world that they must, if they will go to war, in future suffer her vessels to pass free from the depredations of which they now complain. That, for these reasons, he saw no occasion for putting the United States to the expense of purchasing the timber on lands proposed; that he thought with his colleague [Mr. HEATH] that they had better be left to their present proprietors to make the most of them out of the foreigners who, we are told, wish to purchase them; that, if every tree would spring up into a full-rigged ship-of-the-line, (as the member from Maryland had said,) he would not wish to purchase the land on which they grew, unless it was to sell the ships. We are told, indeed, that we cannot sell the three frigates; but, said he, I make no doubt but that some of the maritime Powers will be willing to buy them. Indeed, if I were permitted, said he, I could name a certain person who will be willing to purchase them as fast as we can build them. Indeed, I do not think this a proper time to make preparations for a Navy. The United States seem already too much an object of the jealous attention of the great maritime Powers of Europe; let us not make it their interest to pursue these measures, now so ruinous to our commerce. If France believes what we are told in this book she does, of our partiality for Great Britain, (holding up the PRESIDENT's late communications,) it will be the interest of that Republic to cut off all our hopes of becoming a maritime Power; and, even if it were true, it must be the interest of Britain to diminish the number of your merchant vessels and sailors, and to furnish you with arguments for the equipment of a Navy. Let us, therefore, not attempt at present to lay even for posterity the foundation of a Navy; let us show the world that we can be happy without one, and let us show to the Powers who now insult us that if they desist not from their insults we can make them repent it, without having recourse to war.

Mr. NICHOLAS complained of the unfairness of the quotation made by the gentleman from South Carolina, and said, that that book having been written during our struggle with Great Britain, what was there said could scarcely be applicable to our present circumstances. In speaking of the capabilities of the United States to support a fleet, Mr. JEFFERSON says that Virginia was able to furnish a million of dollars. But, said Mr. N., has not this been raised, and is it not all gone, and more wanted, in a different way? Mr. JEFFERSON was also of opinion, Mr. N. said, that one million of dollars would build vessels to the amount of 300 guns; but they found, from expe-

rience, that that sum would not build 120 guns. These estimates, he said, were vastly dissimilar.

The gentleman from South Carolina seemed to think there would be no difficulty in finding money for all the objects he contemplated. Mr. N. said, he believed that gentlemen knew less of the disposition of the people with respect to paying taxes than he did. He thought the \$1,200,000 which must be raised would be heavily felt by the people. He relied that it would be paid; but his reliance was founded more upon the virtue and attachment of the people to their Government than of the lightness of the burden. In the part of the country from whence he came, he knew this additional tax would be very sensibly felt.

Mr. N. said he did not understand the quotation which the gentleman from South Carolina had given them from a speech. If he had known whence it came, and heard it distinctly, it might have had its proper weight; but as he did not, he could not be influenced by it.

They had been told by that gentleman that Denmark, with a revenue of seven millions, had 31 ships of the line; from whence he argued that we might also have that number. But, said Mr. N., that gentleman should have recollected that, to support 31 ships of the line, according to the estimates which had been made to them, would, in this country, consume the whole seven millions annually.

Would not this fact alone show the gentleman the great difference of our situation from that of the European Powers which he had named? If it would not, he thought he must have turned a deaf ear to conviction.

That gentleman supposed he had lessened the weight of the argument of the gentleman from Pennsylvania [Mr. GALLATIN] with respect to the British Navy, when he said their independence had been secured by it. He did not see it in that light. He had said no nation went into a Naval Establishment for the purpose of protecting commerce; but the gentleman from South Carolina said their independence required it. This, he said, was the understanding of every one, and acquitted Great Britain of doing a thing for less than it was worth; but the gentleman could not have supported the argument of his friend from Pennsylvania more effectually than by this assertion.

Much had been said, Mr. N. observed, upon what fell from him yesterday respecting the law having been passed by surprise for building the frigates. He still was of the same opinion, and what had fallen from the gentleman from South Carolina, he thought, corroborated that opinion; for he had said it passed under an impression of danger. Was it begun, he asked, for any of the purposes which had been named in the course of this debate? He believed not; for Algiers had not been mentioned in the course of it. Indeed, this convinced him of what he always thought, that protection from the Algerines was a mere pretence to set the building of a fleet on foot.

As an apology for the enormous price which these frigates had cost, they were told they were much larger than 44-gun frigates were generally

built. Mr. N. said, that time after time they made strange discoveries. It was somewhat extraordinary that, after they had ordered 44-gun frigates to be built, the Executive should have caused vessels to be built almost equal in size to 74's. This was effectually defeating all their precautions—it was legislating without their consent, and accounted, in some degree, for the excessive expenditure. Indeed, he confessed that he had seen the expenses of Government, in all cases, go so greatly beyond what was at first calculated, that he was not willing to go into any scheme of which he could make no tolerably correct estimate. He should, therefore, be opposed to the present. He had always found that the expense doubled, at least, the estimate, and in future he should reckon upon this as certain; and since they could not check the execution of the laws, it became them to be careful how they made them.

Mr. N. concluded by observing, that the protection and happiness of this country depended more upon economy and a discharge of the Public Debt than upon Navies or Armies; he should, therefore, be opposed to the latter, and promote the former all in his power.

Mr. W. SMITH wished to defend himself from the charge of having drawn unjust inferences from the quotations which he had made from Mr. JEFFERSON'S book. It appeared clearly that it was the opinion of that gentleman that it was necessary this country should have a Navy, and that our resources were equal to the support of one. Indeed, a gentleman from Virginia, on his right, [Mr. PAGE,] had confirmed this by saying that, on that subject they had always disagreed. But it was objected against this extract that it was written during the war, and that it was not now applicable; but gentlemen forgot the extract which he had read from a report made by that gentleman some years afterwards. [He again read the extract.]

The gentleman from Virginia [Mr. NICHOLAS] had cast censure upon the Executive for having exceeded their authority in making the vessels larger than were intended. The reason they were made of their present size was, because they were intended against Algiers, and if they had been smaller they would not have been equal to the business. If the expense was greater than estimated, it arose from circumstances out of their power, viz: the high price of labor, &c.

But the gentleman complained that Algiers had never been mentioned in the course of the debate. The gentleman must know that there was prudence in that, since it was a subject that could not properly be introduced there. When this subject was formerly under discussion, though many gentlemen mentioned the Algerines as the immediate cause of the frigates, he always looked upon them as the foundation of a Navy.

Mr. FINDLEY did not expect that in the discussion of this question so wide a field would have been taken. With respect to the building of a Navy at present, he should certainly be opposed to it; but he was not so determined against a fleet as to put it out of the power of posterity to build

one, if they should judge it right to do so; but he thought they had not sufficient information on that head. Expenses were generally so much more than were estimated, that he wished to know more upon the subject before he appropriated money on the occasion, that he might calculate whether it would be better for us and for posterity to purchase the timber now, reckoning the interest of the money and the expense of taking care of it when purchased, or leave it to be purchased by posterity. He would, therefore, vote for any resolution which should direct an inquiry to be made on the subject, but not for the present question.

The motion was then put and negatived—55 to 31.

The Committee then rose and reported the first resolution, with the amendments, and a disagreement to the other two. The House then took them up. A considerable debate took place on the propriety of coupling the provision respecting a repeal of the law relative to equipping and manning the vessels with the resolution providing an appropriation for the finishing of them. It was urged that gentlemen who wished to vote for completing the vessels, but not for the repeal of that part of the law which respects the manning of the vessels, could not vote agreeably to their wish, and so as to convey their sentiments to their constituents. It was also objected to as an improper *tack* to be sent to the other branches of Government, as it would oblige them either to agree to two things, or neither. It was answered, that gentlemen might show their opinion on the occasion by voting for or against the amendment to repeal the law. The impropriety of the *tack* was denied, as it was only upon that condition they would allow money for the frigates to be built, as some gentlemen said they would rather see them burnt than manned.

The first resolution being again read, the first amendment thereto, reported by the Committee of the Whole House, for striking out the words "and equip for sea," was, on the question put thereupon, agreed to by the House.

The other amendment to the said first resolution, reported by the Committee of the Whole House, for adding thereto the following words, "and that all such parts of the act, entitled 'An act to provide a Naval Armament,' as relate to the appointing and commissioning of the officers and manning the ships, in and by the said act directed to be provided, ought to be repealed, except so far as may relate to any officers already appointed under said act," was, on the question put thereupon, agreed to by the House—yeas 63, nays 28, as follows:

YEAS.—Theodorus Bailey, Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Nathan Bryan, Daniel Buck, Dempsey Burges, Samuel J. Cabell, Gabriel Christie, Thomas Claiborne, John Clopton, Joshua Coit, Isaac Coles, Henry Dearborn, William Findley, Jesse Franklin, Nathaniel Freeman, jun., Albert Gallatin, James Gillespie, Christopher Greenup, Andrew Gregg, Roger Griswold, Carter B. Harrison, John Hathorn, Jonathan N. Havens, John Heath, James Holland, Andrew Jackson, George Jackson,

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Naval Equipments.

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George Leonard, Edward Livingston, Matthew Locke, William Lyman, Samuel Maclay, Nathaniel Macon, John Milledge, Andrew Moore, Anthony New, John Nicholas, Alexander D. Orr, John Page, John Patton, Elisha R. Potter, Francis Preston, John Reed, John Richards, Robert Rutherford, John S. Sherburne, Thompson J. Skinner, Jeremiah Smith, Nathaniel Smith, Israel Smith, Richard Sprigg, jun., Thomas Sprigg, William Strudwick, Zephaniah Swift, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, Peleg Wadsworth, John Williams, and Richard Winn.

YAYS.—Theophilus Bradbury, William Cooper, William Craik, Samuel W. Dana, James Davenport, George Dent, Abiel Foster, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glen, Chauncey Goodrich, Robert Goodloe Harper, Thomas Hartley, William Hindman, Samuel Lyman, Francis Malbone, William Vans Murray, Josiah Parker, Samuel Sewall, Samuel Sitgreaves, Isaac Smith, Samuel Smith, William Smith, George Thatcher, Richard Thomas, Mark Thompson, and John E. Van Allen.

And then the main question being taken, that the House do agree to the said first resolution, amended to read as follows:

“Resolved, That — dollars be appropriated to finish the frigates United States, Constitution, and Constellation; and that all such parts of the act, entitled ‘An act to provide a Naval Armament,’ as relate to the appointing and commissioning of the officers and manning the ships, in and by the said act directed and provided, ought to be repealed, except so far as may relate to any officers already appointed under the said act.”

It was resolved in the affirmative.

The second resolution, to which the Committee of the Whole House reported their disagreement, being again read,

The question was taken that the House do agree with the Committee of the Whole House, in their disagreement to the same, and resolved in the affirmative—yeas 69, nays 21, as follows:

YEAS.—Theodorus Bailey, Abraham Baldwin, David Bard, Thomas Blount, Theophilus Bradbury, Richard Brent, Nathan Bryan, Daniel Buck, S. J. Cabell, Gabriel Christie, Thos. Claiborne, John Clopton, Joshua Coit, Isaac Coles, Wm. Cooper, James Davenport, Henry Dearborn, George Ege, Wm. Findley, Abiel Foster, Jesse Franklin, Nathaniel Freeman, jr., Albert Gallatin, James Gillespie, Nicholas Gilman, Christopher Greenup, Andrew Gregg, Roger Griswold, Carter B. Harrison, Thomas Hartley, John Hathorn, Jonathan N. Havens, John Heath, William Hindman, James Holland, Andrew Jackson, George Jackson, George Leonard, Matthew Locke, Samuel Lyman, William Lyman, Samuel Maclay, Nathaniel Macon, John Milledge, Andrew Moore, Anthony New, John Nicholas, John Page, John Patton, Elisha R. Potter, Francis Preston, John Reed, John Richards, John S. Sherburne, Thompson J. Skinner, Jeremiah Smith, Nathaniel Smith, Israel Smith, Isaac Smith, Richard Sprigg, jr., Thomas Sprigg, Zephaniah Swift, Philip Van Cortlandt, William Strudwick, Joseph B. Varnum, Abraham Venable, Peleg Wadsworth, John Williams, and Richard Winn.

NAYS.—Dempsey Burges, William Craik, Samuel W. Dana, George Dent, Dwight Foster, Ezekiel Gilbert, Henry Glen, Chauncey Goodrich, Robert Goodloe Harper, Edward Livingston, Francis Malbone, William Vans Murray, Josiah Parker, Samuel Sewall, Samuel

Sitgreaves, Samuel Smith, William Smith, George Thatcher, Richard Thomas, Mark Thompson, and John E. Van Allen.

The sense of the House was then taken on agreeing to the report of the Committee of the Whole to reject the last proposition relative to purchasing of timber, or lands stored with it; which was agreed to—yeas 62, nays 29, as follows:

YEAS.—Theodorus Bailey, Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Nathan Bryan, Daniel Buck, Samuel J. Cabell, Gabriel Christie, Thomas Claiborne, John Clopton, Joshua Coit, Isaac Coles, Samuel W. Dana, Henry Dearborn, William Findley, Abiel Foster, Jesse Franklin, Nathaniel Freeman, jun., Albert Gallatin, James Gillespie, Nicholas Gilman, Christopher Greenup, Andrew Gregg, Roger Griswold, Carter B. Harrison, John Hathorn, Jonathan N. Havens, John Heath, James Holland, Andrew Jackson, George Jackson, George Leonard, Matthew Locke, Samuel Lyman, William Lyman, Samuel Maclay, Nathaniel Macon, Andrew Moore, Anthony New, John Nicholas, Alexander D. Orr, John Page, Elisha R. Potter, Francis Preston, John Reed, John Richards, John S. Sherburne, Thompson J. Skinner, Jeremiah Smith, Nathaniel Smith, Israel Smith, Richard Sprigg, jun., Thomas Sprigg, William Strudwick, Zephaniah Swift, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, Peleg Wadsworth, John Williams, and Richard Winn.

NAYS.—Theophilus Bradbury, Dempsey Burges, William Cooper, William Craik, James Davenport, George Dent, George Ege, Dwight Foster, Ezekiel Gilbert, Henry Glen, Chauncey Goodrich, Robert Goodloe Harper, Thomas Hartley, William Hindman, Edward Livingston, Francis Malbone, John Milledge, William Vans Murray, Josiah Parker, John Patton, Samuel Sewall, Samuel Sitgreaves, Isaac Smith, Samuel Smith, William Smith, George Thatcher, Richard Thomas, Mark Thompson, and John E. Van Allen.

On the question, that a committee be appointed to prepare and bring in a bill or bills pursuant to the said first resolution, as amended, it was moved and seconded to amend the said question, by striking out the words “or bills,” and the question being taken that the House do agree to the said amendment, it passed in the negative—yeas 38, nays 47.

The yeas and nays being demanded by one-fifth of the members present, those who voted in the affirmative are—

YEAS.—Theodorus Bailey, David Bard, Thomas Blount, Richard Brent, Nathan Bryan, Samuel J. Cabell, Gabriel Christie, Thomas Claiborne, John Clopton, Isaac Coles, William Findley, Jesse Franklin, Albert Gallatin, James Gillespie, Christopher Greenup, Andrew Gregg, George Hancock, Carter B. Harrison, Jonathan N. Havens, John Heath, James Holland, Andrew Jackson, George Jackson, Matthew Locke, William Lyman, Samuel Maclay, Nathaniel Macon, John Milledge, Andrew Moore, John Patton, Francis Preston, John Richards, Thompson J. Skinner, Richard Sprigg, jun., Thomas Sprigg, Joseph B. Varnum, Abraham Venable, and Richard Winn.

NAYS.—Abraham Baldwin, Theophilus Bradbury, Daniel Buck, Dempsey Burges, Joshua Coit, William Cooper, William Craik, Samuel W. Dana, James Davenport, Henry Dearborn, George Dent, Abiel Foster, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Hen-

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ry Glen, Chauncey Goodrich, Roger Griswold, Robert Goodloe Harper, Thomas Hartley, John Hathorn, William Hindman, George Leonard, Edward Livingston, Samuel Lyman, Francis Malbone, William Vans Murray, John Nicholas, Alexander D. Orr, John Page, Josiah Parker, Elisha R. Potter, John Reed, Samuel Sewall, John S. Sherburne, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, Israel Smith, Samuel Smith, William Smith, Richard Thomas, Mark Thompson, John E. Van Allen, Philip Van Cortlandt, Peleg Wadsworth, and John Williams.

Ordered, That Mr. PARKER, Mr. LIVINGSTON, and Mr. HARPER, do prepare and bring in a bill or bills pursuant to the said first resolution, as amended.

MONDAY, February 13.

Mr. PARKER reported a bill appropriating money for finishing the frigates United States, Constitution, and Constellation.

Also, a bill to repeal so much of a former act as relates to the officering and manning the fleet of the United States.

Both which bills were twice read, and committed to a Committee of the Whole to-morrow.

Mr. HAVENS, from the committee to whom was referred the report of the Directory of the Mint, made a report thereon, directing a sum to be appropriated for the purchase of gold bullion and coin, and a sum to make good deficiencies occasioned by coining bullion put into the Mint of an inferior quality. Referred to a Committee of the Whole on Monday next.

Mr. BRENT proposed a resolution to the following effect, which was also ordered to lie on the table:

"Resolved, That a committee be appointed to inquire into the expediency of incorporating the Commissioners of the City of Washington, and to report by bill or otherwise."

MESSRS. BRENT, GREENUP, and COIT, were appointed.

PURCHASE OF LIVE OAK LANDS.

Mr. HARPER said, that though the House had declined coming to a resolution to authorize the PRESIDENT to purchase certain lands in Georgia, clothed with live oak and red cedar timber, as a reserve for future naval purposes, yet there seemed to be a disposition to cause an inquiry to be made on the subject. He therefore proposed a resolution to the House to the following effect:

"Resolved, That the President of the United States be authorized and requested to cause to be made and reported to this House as early as may be after the meeting of the next session of Congress, an inspection of lands furnished with live oak and red cedar timber, with the relative advantages of different situations with respect to their fitness for naval purposes, and the rates at which purchases may be made."

Ordered to lie on the table.

JOHN DE NEUFVILLE.

On motion of Mr. MADISON, the House resolved itself into a Committee of the Whole on the fol-

lowing report of the committee, to whom was referred the memorial of Anna de Neufville, widow of John de Neufville, deceased. They report—

"That the services and sacrifices of the said John de Neufville to the United States, during the war of their Revolution, as stated in the said memorial, and vouched by the testimonies herewith reported, constitute a reasonable claim, in behalf of his, at present, very distressed widow and children, on the justice of the United States. That it being impossible, from various and peculiar circumstances incident to the services rendered, to ascertain and liquidate the compensation due into a precise sum, it is necessary for Congress to decide on and provide for such allowance as may be deemed equitable and right. That, in the opinion of the committee, the sum of three thousand dollars may be a proper allowance. They therefore propose the following resolution:

"Resolved, That provision ought to be made, by law, for granting to the widow and two children of John de Neufville, the sum of three thousand dollars, to be equally divided among them."

This report was advocated by MESSRS. HARPER, W. SMITH, SWANWICK, HAVENS, HEATH, THATCHER, VARNUM, and RUTHERFORD. They stated that the husband of the petitioner, John de Neufville, was an eminent merchant at Amsterdam; that he was an influential character there, and, at an early period of our Revolutionary war, entered with great zeal into the interests of America; that, meeting with Mr. William Lee, the Commissioner of the United States, he endeavored to bring about a treaty between the United Netherlands and the United States, which being discovered by the British, that Court used its influence with the Government of that country to harass and drive him out of the country; that during his residence at Amsterdam, his house was a constant asylum for American citizens; that he had made large advances in money for the service of the United States, which obliged him to extend his credit beyond what was warranted by the regular course of trade, and a failure in the payment of which (owing to the embarrassed circumstances of the United States at that time) had greatly injured him, and left him to the mercy of his creditors. The consequence was, he was reduced from affluence to poverty at an advanced period of life. Some years ago he arrived at Boston with his wife and two children, where he subsisted in a very humble manner upon the bounty of his friends in Holland; those friends having, by the reverses occasioned by the Revolution, been much injured in their property, could afford him but a scanty pittance; but Mr. de Neufville being dead, the petitioner was deprived of this assistance; and, to add to her repeated misfortunes, the son of her late husband, from their multiplied sufferings, had been deprived of his reason. Under this pressure of grievances, the petitioner was come from Boston to lay her case before Congress, and pray relief. This peculiarly distressing case was supported with great zeal and feeling by its advocates, particularly by Mr. HARPER.

The claim was opposed by MESSRS. COIT, SWIFT, and NICHOLAS. An application, it seems, was

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made by Mr. de Neufville, during his lifetime, for redress; upon which the then Secretary of State [Mr. JEFFERSON] reported. This report, after stating all the facts upon which the claim was founded, gave it as his opinion, that the petitioner had no real claim on the United States. This report, it seems, had never been acted upon. The reading of it, as well as of all the documents relative to this claim, was called for, and were accordingly read. The opposers of this claim acknowledged the distressed situation of the petitioner, but denied the justice of her claim upon the United States; the treaty which Mr. de Neufville proposed to enter into with Mr. Lee, they supposed, was a treaty which he believed would prove beneficial to his country, and not to the United States: that there were many claims in our own country from persons who had been injured by the war, the justice of which was less equivocal, and the distress at least equal. Mr. NICHOLAS said, a few days ago only, a poor man, whose health had been so much impaired in the war, that he was unable to earn his living, had applied to him to bring his case before Congress, yet, as the pension law affords no relief to any person, except he had been wounded, he was obliged to inform him that he could do nothing for him. There were multitudes of such instances, equally distressing with the present, to which no relief could be afforded.

Mr. THATCHER moved to have the three thousand dollars struck out, and five inserted. This was negatived—45 to 37; but the resolution was agreed to as reported—yeas 63, nays 25, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, David Bard, Theophilus Bradbury, Daniel Buck, John Clapton, Isaac Coles, William Cooper, William Craik, Henry Dearborn, George Ege, William Findley, Abiel Foster, Jesse Franklin, Albert Gallatin, Ezekiel Gilbert, James Gillespie, Nicholas Gilman, Henry Glon, Christopher Greenup, Andrew Gregg, William B. Grove, Robert Goodloe Harper, Thomas Hartley, Jonathan N. Havens, John Heath, Thomas Henderson, William Hindman, Andrew Jackson, George Jackson, George Leonard, Edward Livingston, Samuel Lyman, William Lyman, James Madison, Francis Malbone, Frederick A. Muhlenberg, William Vans Murray, Anthony New, Alexander D. Orr, Josiah Parker, John Patton, John Reed, John Richards, Robert Rutherford, Samuel Sewall, John S. Sherburne, Samuel Sitgreaves, Thompson J. Skinner, Israel Smith, Isaac Smith, Samuel Smith, William Smith, Richard Sprigg, jun., Thomas Sprigg, John Swanwick, George Thatcher, Richard Thomas, Mark Thompson, John E. Van Allen, Joseph B. Varnum, Peleg Wadsworth, and Richard Winn.

NAYS.—Theodorus Bailey, Thomas Blount, Richard Brent, Nathan Bryan, Samuel J. Cabell, Joshua Coit, James Davenport, George Dent, Chauncey Goodrich, Roger Griswold, Wade Hampton, George Hancock, John Hathorn, James Holland, Aaron Kitchell, Matthew Locke, Samuel Maclay, Nathaniel Macon, John Milledge, John Nicholas, Elisha R. Potter, Nathaniel Smith, William Strudwick, Zephaniah Swift, and John Williams.

Ordered, That a bill, or bills, be brought in pursuant to the said resolution; and that Mr. MADISON, Mr. PARKER, Mr. COOPER, Mr. EGE, and Mr. WADSWORTH, do prepare and bring in the same.

TUESDAY, February 14.

JOHN DE NEUFVILLE.

Mr. MADISON reported a bill granting certain sums of money to the widow and children of the late John de Neufville, which was twice read, referred to a Committee of the Whole, and made the order for this day. The House, on motion of Mr. HARPER, resolved itself into a Committee of the Whole on the subject; when

Mr. THATCHER said, as the widow had been at very considerable expense in the journey to this city to make her claim, and as this expense would wholly fall upon her, it would put her in a worse situation than her children (for the bill proposed 1,000 dollars to each.) He moved, therefore, that 1,000 should be struck out, and two inserted, for the widow.

This amendment was negatived, there being only 23 votes in favor of it. An attempt was made to add 200 to the 1,000 for the widow, but it was also unsuccessful.

The Committee rose, and the bill was ordered to be engrossed for a third reading to-morrow.

DIRECT TAXES.

Mr. HARPER proposed a resolution to the House directing that the Committee of the Whole, to whom was referred the bills on the subject of direct taxes, should be discharged, in order that they might go to the same Committee of the Whole to whom was referred the proposition respecting indirect taxes, that both subjects might come under consideration at the same time. The motion was objected to, as it was said the two things were in different stages, the one being in a bill, and the other merely a proposition, and that it would not be proper to embarrass the discussion of the bill, by the proposition alluded to, since the advantages of one or the other mode could be shown without such a connexion. The motion was negatived.

EXPORTATION OF SHIP-TIMBER.

Mr. W. SMITH said, it must be acknowledged of great importance that the large ship-timber growing in this country should be kept out of the hands of foreigners, as, at some future day, we might have occasion for it for our own use. He wished, therefore, to lay a resolution on the table relative to this subject. He proposed one to the following effect:

“Resolved, That provision ought to be made by law for prohibiting, for a limited time, the exportation of ship-timber of certain dimensions.”

Ordered to lie on the table.

HUGH LAWSON WHITE.

Mr. A. JACKSON moved that the unfinished business be postponed, for the purpose of going into a Committee of the Whole on the report of the select committee on the petition of Hugh Lawson White and the report of the Secretary of War thereon.

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Mr. CORT wished to know what was to become of the appropriation bill. He thought it was proper they should go into that.

Mr. W. SMITH said he consented to a postponement of that subject until the information which had been called for from the Secretary of State, relative to a certain item, had been obtained, which, without that information, might occasion considerable debate, and which, with it, he trusted, would pass without opposition. He alluded to the fifty thousand dollars for the prosecution of the claims for spoiliations committed on American vessels by the British.

The House accordingly resolved itself into a Committee of the Whole on the petition of Hugh Lawson White, Mr. DENT in the Chair. The report, which was a very long one, was read. The subject was in relation to the expedition of Gen'l Sevier into the Cherokee nation in the year 1793. The report, which proposed that provision should be made by law for paying the expense, was agreed to without debate, and was referred to the Committee of Ways and Means, to be introduced in the appropriations for the expenditure of 1797.

DUTIES ON DISTILLED SPIRITS.

Mr. W. SMITH moved that the House go into a Committee of the Whole on the bill repealing in part the act concerning the duties on spirits distilled within the United States, passed May 8, 1792, and imposing certain duties on the capacity of stills of a particular description. The House resolved itself into a Committee of the Whole accordingly; Mr. DENT in the Chair.

This bill proposes to repeal so much of the present act as allowed stills at any other place than a city, town, or village, or at any distillery in a city, town, or village, at which there are one or more stills, which singly, if only one, or together, if more than one, were of less capacity than four hundred gallons, the option of paying a duty of seven cents a gallon, and to direct, in lieu thereof, certain sums to be paid according to the capacity of stills, and according to the time taken out, from one month to six months.

Mr. KITCHELL wished to know the precise meaning of the word *village*; he did not know whether two or three houses lying together were to be considered as a village, or what number of houses were necessary to form one. He objected to the whole of the bill, as, instead of being of service to the revenue, he believed it would be an injury to it. He thought if the duty was laid upon the gallon in every instance, a much larger revenue would be raised than at present; for he believed that many who paid a duty according to the capacity of their stills, did not pay one-half of what they would otherwise pay. To lay the tax upon the capacity of the stills might diminish the trouble of collection; but he believed it reduced the revenue. In order to try the principle, he would therefore move to strike out the first section of the bill.

Mr. W. SMITH said, the gentleman's objection to the word "*village*," came rather late, as the expression "*city, town, or village*," had been used

in all the laws passed upon this subject. He believed the expression was well understood both by the revenue officers and the public, and it was not therefore necessary to go into a definition of it. The Secretary of the Treasury had given it as his opinion, that, so far from reducing the revenue, it would considerably augment it. The objections against this regulation arose, he believed, from an idea that it would be injurious to small stills; but, he had received information from the supervisor of his district, that, instead of being injurious, it would be beneficial to them. Mr. S. said, he thought the principle of this bill had been agreed to, and was surprised, therefore, that a motion was made to strike out the first section. He hoped the gentleman would consent to let the bill be proceeded with, as it was probable that such amendments might take place as would render it more acceptable than it might at present appear.

Mr. DAYTON hoped that his colleague would withdraw his motion for striking out the first section, that opportunity might be given to amend the bill in such a manner as to afford not only protection, but encouragement to the numerous small distilleries throughout the country. This valuable purpose, Mr. D. said, might be attained by the amendments and alterations which he should propose to be made in the second section, as soon as it could be done consistently with their rules of order. If his propositions should not meet the approbation of a majority, it would still be in the power of all those members who united in the wish to preserve the small distilleries, to reject the bill, and in that case he should join them readily in doing so.

Mr. KITCHELL withdrew his motion for striking out the first section; and the Chairman of the Committee of the Whole having read the second section,

Mr. DAYTON said that he should offer an amendment in that place, which would ascertain with certainty whether the destruction or preservation of the country distilleries was the object, and would be the effect, of the bill. As it stood at that moment, their discouragement and ruin was inevitable; for it deprived them of the option they had heretofore enjoyed, of paying either upon the capacity or by the gallon, and held out to them no equivalent advantage. So far was it from compensating them for the privation of that privilege, that, on the other hand, he found in the latter part of the same section a provision which compelled them to commence every license with the beginning of some calendar month; and thus rendered their situation far more discouraging than it was at that moment. He should therefore, when they came to that part, move to strike out the words following, viz: "And all licenses as aforesaid shall commence and bear date from the beginning of some calendar month." But, as preparatory thereto, and as a compensation to small distilleries for being deprived of the option, he should first move to insert the words "for and during the term of two weeks," for the purpose of admitting the possessors of such stills

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to take out a license for that short term, if they thought proper. It was well known that the existing laws did not admit of any license to be taken out for a shorter term than one month. Distillers, therefore, who had materials to employ them for two weeks only, were compelled to pay for four weeks, or to pay, at their option, seven cents for each gallon distilled. If deprived of this choice, they would have reason for complaint, unless permitted to enter for less time than a month. He was sensible that many advantages would be derived from the abolition of the duty upon the gallon distilled, and not the least, would be the greater facility and certainty in the collection of revenue from this source, the diminution of the number of oaths already too much multiplied, and the exoneration of the people from the most odious part of the provisions, viz: the frequent visits and inspections of the officers of Government. Although these benefits were acknowledged, they could fortunately be secured to the public, without injury to the distilleries of fruit, or any other materials. They might even be protected and encouraged, and the revenue from them improved, and he trusted that the amendments he had proposed would establish the fact, that those two objects were perfectly consistent and attainable.

Mr. W. SMITH wished a Letter, which had been received from the Secretary of the Treasury, on the subject, to be read. It was read accordingly.

Mr. GALLATIN was in favor of the amendment proposed. The Letter, which had been read, was written to him, in answer to some inquiries which he had made on this subject of the Secretary of the Treasury. The object of this bill, he said, was, in the first place, to secure a due collection of the revenue at less expense than it at present costs; in the second, to prevent an evasion of the duty; and, in the third, to remove one of the most important objections to the tax.

It tended to secure a due collection of the revenue at less expense, by taking away those provisions which furnished an apology to collectors for not settling their accounts, or placing them in such a state as to prevent their being settled. Gentlemen might say the duty was well collected at present, and that the accounts were well settled; they gave this as their opinion; but, when they had proof of the contrary from official facts, those assertions could have little weight. In order to show the magnitude of the evil, he would refer to the last official statement made to them in December last, which contained the last accounts made by the supervisors. By this statement it would be seen how far the supervisors were able to bring these collectors to account. It would be noticed that the States of Vermont and New York were the only States whose accounts were settled up to December, 1795; the States of Connecticut and Georgia were settled up to September 30, 1795; the States of New Hampshire, Massachusetts, Rhode Island, Delaware, North and South Carolina, were settled to the 30th of June, 1795; the State of Virginia to the 30th June, 1794; the State of New Jersey was only brought up to the

31st of March, 1793; and the State of Pennsylvania had not settled at all. In addition to which, in Kentucky, Tennessee, and the Northwestern Territory, the tax had not been even mentioned.

This, he said, was the situation of the revenue at present. The supervisors found it impossible to bring the collectors to account. The fault was in the law itself. Distillers in the country took advantage of the option which was allowed them of paying by the gallon. This was always the pretence, and sometimes the true reason, why the collectors did not make their returns. In a scattered country like America, collectors could not come at the quantity of gallons distilled by every individual; but if the duty was laid by means of a license on the still, according to its capacity, it would be easy to collect the duty, to have the accounts settled, and for the Treasury to check those accounts. No pretence could then be made for not settling the accounts regularly.

The next consideration was, the evasion of the duty. This arose from some individuals, and many, not returning their accounts as they should do; some could not do it; and not a few gave in false accounts. In respect to large distilleries in the country having the option of taking out a license, and of paying fifty-four cents per gallon on the capacity of their stills, no one, except they wished to defraud the revenue, would desire to pay by the gallon; and if the amendment was agreed to, the same remark would apply to small distillers; for, it would be found so much easier and advantageous to pay by license, than by the gallon, that no one, except he intended to defraud the revenue, would choose to pay by the gallon. The present rate of ten cents per month per gallon would in some cases be more than the duty would amount to, if paid by the gallon, as some stills were not employed more than half the time; but the proposed amendment would remove that objection; and though less duty would be paid by some individuals than they heretofore paid, as all evasion would be prevented, the revenue would be increased. It was true, that when they took off one advantage, they must give another; if they gave small distillers the option of taking out a license for a fortnight, they should give the larger distillers the option of taking out a license for two, three, or four months. It was the opinion of the Secretary of the Treasury that the licenses for a month should be increased from ten to twenty cents; but he thought differently. He hoped the amendment of the gentleman from New Jersey would prevail, and then he should afterwards propose to fill up the blanks of licenses for a month with ten cents; for two months with eighteen; for three months with twenty-four; for four months with thirty; for five months with thirty-six; and for six months with forty-two cents per gallon. This scale, he said, was on the same ground with that which was proposed by the Secretary of the Treasury; except that he had changed the two estimates for a month and for a year. They might now be thought too low, and to give too great advantage to small stills. In the opinion of the Treasury they did; but if, upon an experiment, it

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was found to be so, the rates might be augmented hereafter.

Finally, he believed these regulations would remove some of the strongest objections to the law itself. These objections were well known to be the reluctance which men felt to have their houses searched and conduct watched, when they were in the pursuit of their honest occupations. These objections would be wholly removed. A person would take a license for any term he chose, and there would be an end of the business. He would neither be obliged to keep an account nor to make a return; neither would there be any visiting of officers to inspect his conduct in carrying on his business.

Mr. G. said, it was of importance to remove these objections; particularly as the law had not extended to the parts he had mentioned, and as it was desirable the laws should operate equally and satisfactorily throughout the Union. He hoped, therefore, the amendment of the gentleman from New Jersey would be agreed to, and that the bill would pass.

Mr. NICHOLAS was satisfied an alteration was necessary in the present law to make it tolerable and equal. He had heard, from an intelligent collector, that there were distillers who made their spirits double proof, and then turned them over to another person to retail them out, who brought them down to the common standard, by this means paying only one-half the tax. And yet, though this practice was known, it could not be remedied, according to the present law, because the spirits were out of the hands of the distiller.

He was satisfied that no tax should be so laid as to injure the manufactory upon which it fell; and it appeared to him that the very existence of this law would depend on the acceptance of this amendment. He had, indeed, thought of a different way of regulating the business, but perhaps the one proposed might be as well. He thought that if a license should be taken out for a term, and it was not wanted for the whole time, a deduction should be made for the difference. He said he was perfectly satisfied with the general modification; but, if the amendment should not prevail, it would operate injuriously upon small distilleries. He therefore trusted it would be agreed to.

Mr. HARRISON hoped the amendment would obtain. After rainy months, the fruit washed from the trees could not be distilled within a month from which a license was taken. The bill would go to diminish the revenue; besides, it would be extremely unpopular, which would produce an evasion of the law, and the duties would be less. Indeed, without the addition, it could not be agreed to.

The question was put, and carried unanimously. The blanks were afterwards filled up with the rates Mr. GALLATIN had mentioned, and with six cents for licenses for two weeks.

Mr. DAYTON then moved to strike out the words "and all licenses, as aforesaid, shall commence and bear date from the beginning of some calendar month."

The fourth section of the bill having been read, Mr. HARPER thought it would be proper to amend the latter part of the clause, which was as follows:

"And every owner or possessor of any still, who shall not have taken out a license for at least — months during the six months preceding the first days of January and July, in each year, shall be chargeable with, and shall pay a duty equal to, that demandable for a license for six months, unless such owner or possessor shall make oath or affirmation that no spirits have been distilled in his still during any time for which a license has not been previously obtained:"—

by adding betwixt the words "any still" and "who shall" the words "in a state of preparation for distilling." This alteration, he said, would make the oath proposed unnecessary, and he was very much against multiplying oaths, as they held out strong temptations to dishonesty and perjury.

Mr. DAYTON (the Speaker) rose to state an objection which presented itself to his mind against the latter part of this section. He might possibly misunderstand the duty therein enjoined, and he hoped, if he did, that the committee who reported the bill would explain and set him right. It appeared to him, Mr. D. said, to intend and require that the owner or possessor of every still which had been unemployed for six months should make oath or affirmation that no spirits had been distilled in his still during any time for which a license had not been previously obtained, or be subject to a considerable penalty. Cases might and would frequently arise in which it would be highly improper and unjust to impose such an oath. He instanced those in particular where stills should be sold and transferred from one person to another, and perhaps through many hands, whilst they were unemployed, and of course unlicensed. How was it possible, Mr. D. asked, for the man who has possessed it for a few weeks or a few days to take such an oath, especially if, as might happen, the former owners were not even known to him? If no explanation should be given from the committee nor any amendment made that should be satisfactory, he should think it his duty to move to strike out the whole of the last sentence or clause.

Mr. KITCHELL said, he had great objection to the clause as it stood, but he had a greater to the alteration proposed. He also was against multiplying oaths, if any better mode could be pointed out of preventing frauds; but, if the present amendment took place, it would only be necessary to strike off the cap from a still and carry it into the cellar, and then it would not be in a state of preparation for distilling. He wished gentlemen who brought in the bill would consider the matter, and propose some amendment to this clause.

Mr. ISAAC SMITH thought the matter might be rectified, by obliging the person who sold a still to give notice thereof to the Inspector, with the person to whom he sold it.

Mr. GALLATIN said, he understood that part of the section which related to an oath to apply to

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the time during which a man was owner and possessor of a still. If a still was transferred, a person would be answerable for the duty only whilst in his possession; but if it was thought the expression was not sufficiently clear, it might be made more so by adding, between the words "in his still" "and during," "whilst he has been owner of the same."

Mr. NICHOLAS said it was necessary that some alteration should take place in the clause.

Mr. DAYTON said, that being by no means satisfied with any of the explanations or amendments that had been offered, and believing that it would be very improper to retain such a clause, he should, as he had before given notice, move to strike out the following, viz: "and every owner or possessor of any still who shall not have taken out a license for at least — months during the six months preceding the first days of January and July, in each year, shall be chargeable with, and shall pay a duty equal to, that demandable on a license for six months, unless such owner or possessor shall make oath or affirmation that no spirits have been distilled in his still during any time for which a license had not been previously obtained."

The Committee then rose, the amendments were agreed to in the House, and the bill ordered to be engrossed for a third reading to-morrow.

ACCOUNTS OF RECEIVERS.

Mr. W. SMITH moved for the order of the day on the bill to provide more effectually for the settlement of accounts between the United States and the Receivers of Public Money, and the House accordingly resolved itself into a Committee of the Whole on that subject, and having gone through the same, the Committee rose and reported the bill, which was ordered to be engrossed for a third reading to-morrow.

ACCOMMODATION OF THE PRESIDENT.

Mr. SITGREAVES, from the joint committee appointed to consider if any, and what, measures should be adopted for the further accommodation of the PRESIDENT OF THE UNITED STATES, for the term commencing on the 4th of March next, reported a resolution authorizing the PRESIDENT to cause to be sold such part of the furniture presented to him on his coming into office as may be decayed and out of repair, and that \$14,000, together with the proceeds of such sale, be presented to him. The report was twice read, and committed to a Committee of the Whole.

WEDNESDAY, February 15.

The following Communication was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and
of the House of Representatives:*

I lay before you an official statement of the expenditure to the end of the year 1796, from the sums heretofore granted to defray the contingent charges of the Government.

G. WASHINGTON.

UNITED STATES, February 15, 1797.

The Message and statement were read, and ordered to lie on the table.

A bill for granting a sum of money to the widow of John De Neufville, was read a third time and passed.

The bill for providing more effectually for the settlement of accounts between the United States and the Receivers of Public Moneys, was read the third time and passed.

A letter was received from the Secretary of the Treasury, enclosing a report from the Secretary of War, requesting that an appropriation may be passed to make good the appropriations in the Military Department for the year 1796, of \$201,312. Laid on the table.

DUTY ON DISTILLED SPIRITS.

The bill for repealing in part the act for laying a duty on spirits distilled within the United States, and for imposing in its stead certain duties on the capacity of stills, was read the third time, when—

Mr. NEW called for the yeas and nays on the passing of the bill.

Mr. LOCKE hoped the bill would not pass. He thought it bad policy to change laws, except considerable advantage could be derived from it. No consequence could arise from the proposed change, he said, except it were to irritate the minds of the people against Government. It was said it would increase the revenue; but he believed it would reduce it, as it would render useless many stills. Farmers who had stills for the purpose of distilling their surplus grain wished to do it at their leisure, as their cattle required it. Some of those who paid seven cents per gallon, he said, paid double what was paid by those who paid according to the capacity of their stills, but it was more convenient for them to do so. He was surprised to hear the gentleman from Pennsylvania [Mr. GALLATIN] offer it as a reason for altering the method for laying the duty, that the excise officers had delayed to make due returns; that, he said, was owing to the roguery of the officers, and not to any fault in the distillers. He also observed that many parts of the United States were so thinly inhabited as to make it inconvenient for officers to collect the duty. Admitting that this were the case, (though it would only happen in few instances,) was it not, he asked, as reasonable that officers who were well paid for their service should rather be put to that trouble than the distillers themselves, which would be the case if they were obliged to take out a license? That gentleman had also observed that no man, as the law now stood, would have chosen to pay by the gallon, but such as designed to defraud the revenue. He knew that his assertion was not true. He himself kept a still for his own family, and had always paid by the gallon; but if this bill passed, he would not distil at all, and he believed many others would come to the same resolution. He should, therefore, vote against the passing of the bill.

The yeas and nays were taken, and stood—yeas 57, noes 19, as follows:

YEAS.—Theodorus Bailey, Abraham Baldwin, David Bard, Theophilus Bradbury, Gabriel Christie, Joshua

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Military Appropriations—Salaries of Collectors.

[FEBRUARY, 1797.]

Coit, Willaim Cooper, Henry Dearborn, George Dent, George Ege, Abiel Foster, Dwight Foster, Jesse Franklin, Nathaniel Freeman, jun., Albert Gallatin, Ezekiel Gilbert, Nicholas Gilman, Henry Glen, Chauncey Goodrich, Christopher Greenup, Andrew Gregg, George Hancock, Robert Goodloe Harper, Thomas Hartley, John Hathorn, Jonathan N. Havens, John Heath, William Hindman, Andrew Jackson, George Leonard, Samuel Lyman, William Lyman, Francis Malbone, Frederick A. Muhlenberg, William Vans Murray, Alexander D. Orr, John Patton, Elisha R. Potter, John Reed, Samuel Sewall, John S. Sherburne, Samuel Sitgreaves, Thompson J. Skinner, Nathaniel Smith, Isaac Smith, Samuel Smith, William Smith, Richard Sprigg, jun., Thomas Sprigg, John Swanwick, Zephaniah Swift, Richard Thomas, John E. Van Allen, Joseph B. Varnum, Peleg Wadsworth, John Williams, and Richard Winn.

NAVS.—Thomas Blount, Nathan Bryan, Samuel J. Cabell, Thomas Claiborne, John Clopton, Isaac Coles, William Craik, Carter B. Harrison, Thomas Henderson, James Holland, George Jackson, Matthew Locke, Andrew Moore, Anthony New, John Page, Josiah Parker, William Strudwick, Mark Thompson, and Abraham Venable.

It was then

Resolved, That the title of the said bill be, 'An act repealing, in part, the 'Act concerning the duties on spirits distilled within the United States,' passed the eighth of May one thousand seven hundred and ninety-two; and imposing certain duties on the capacity of stills of a particular description.'

AMENDMENTS TO THE CONSTITUTION.

Mr. HARPER, from the committee to whom was referred the resolution from the Senate, proposing to authorize the PRESIDENT to make inquiry of certain States, whether they concurred in the amendment to the Constitution which had been submitted to them, with respect to the suability of States, reported that on 4th March, 1789, the United States, being then thirteen in number, twelve amendments were submitted by Congress to the different States, ten of which were ratified in 1789 and 1790 by nine States out of thirteen, which number not being three-fourths of the then existing States, those ten amendments did not then become part of the Constitution, one State being still wanted. The report went on to state further particulars, and concluded with proposing that as some of the States might have since ratified the whole or a part of those amendments, though such ratification had not been received, to reject the resolution from the Senate, and to adopt one to the following effect:

Resolved, That the President of the United States be requested to make application, as speedily as may be, to all those States, who, as far as can be known by official documents, have not ratified the said twelve amendments to the Constitution which were submitted to them, to learn whether any of them have been ratified, or what proceedings have been had thereon."

Ordered to be printed.

MILITARY APPROPRIATIONS.

Mr. GALLATIN said, they had had an estimate presented to them this morning, requesting a deficiency to be made good in the Military Depart-

ment, to the amount of \$201,312. This estimate, he said, was made to them under three items, a fortnight only before the dissolution of Congress. He thought it should have been sent to them sooner, and more in detail. In order to obtain some further information on the subject, he proposed a resolution to the following effect:

Resolved, That the Secretary of War be directed to lay before this House a statement in detail of the item respecting the military service, which, in his estimate of the tenth instant, he states at one hundred and twenty-five thousand dollars; and also a statement in detail of the expenditure and application of money appropriated by law for the Military Establishment of the year 1796, from whence have resulted the deficiencies by him stated in his estimate, of forty four thousand one hundred twenty-two and thirty-two thousand dollars."

Mr. W. SMITH wished to know whether he meant to decline appropriating money for the Military Establishment, until he received this information.

Mr. GALLATIN said he had no objection against voting for the appropriations for the Military Establishment for the year 1797; whether he received the details called for, or not; but he would not vote for the deficiency stated, until the details were received. He did not think he should be justified in voting for this estimated deficiency, until he knew how it had been expended—until he knew how far he was bound to do it. It had no connexion whatever with the appropriation for the year 1797.

The SPEAKER said, he received this communication on Saturday whilst in a Committee of the Whole, and thought he had given it to the Clerk to be read, but found it upon his table this morning, so that the delay since Saturday was owing to him.

The resolution was agreed to.

SALARIES OF COLLECTORS.

The House, according to the order of the day, resolved itself into a Committee of the Whole House on the bill relative to the compensations and duties of certain officers employed in the collection of impost and tonnage. The bill having been read, and the first section being under consideration, which allows to the collectors of the district of Pennsylvania and New York one quarter per cent.; to those of Boston, Charleston, and Baltimore, one half per cent., and to other ports in proportion—

Mr. DEARBORN said, the compensations arising to the Collectors in some of the principal ports, was beyond measure exorbitant; he believed, after all deductions were made, they amounted from 8 to 10,000 dollars. He could see no good reason why the salaries of these officers should not be fixed by law. At present, though their duties were certainly not so important, they received two or three times as much as Heads of Departments, considerably more than even the VICE PRESIDENT of the United States. When they had determined not to increase the salaries of the principal officers of the Government, even during the present high price of living, he thought they

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ought not to allow such extravagant compensations to their collectors.

Mr. THATCHER thought they were legislating in the dark. Before they entered upon the business, he wished to have seen a return of the real amount of duties collected during the last year. In order to give time for the obtaining of this information, he wished the committee to rise.

Mr. VARNUM was of the same opinion. He said accounts had been received from all the ports except New York, and that they might be soon expected.

Mr. SWANWICK said, there had been a return for 1795, which the committee had judged as proper a guide as that for 1796 would be. It was the intention of the committee to reduce the compensation of the officers in the large ports, who, they believed, received too much, and to increase those in the small ports, who they were convinced received too little.

Mr. S. SMITH also said, 1795 would be a better foundation for them to estimate upon than 1796, as it might be supposed that the importations in 1797, owing to the obstructions which commerce was likely to meet with, would be much less than in 1796. If the committee were to rise, he believed the law would not get passed, and the old law would continue, which would be a loss to Government of 15 or 20,000 dollars.

Mr. WILLIAMS wished to wait for the return of 1796.

Mr. CORT said, it would be necessary to regulate these salaries every two or three years, as trade was continually fluctuating.

Mr. CRAIK was against the committee's rising, as it would probably put an end to the business for this session, and he thought it was very desirable that the large salaries should be reduced, and the small ones advanced.

Mr. PARKER was for proceeding with the business. It was well known some of the compensations were too high, and others too low. He mentioned amongst the latter the small port of Tappahannoc, the Collector of which by the return in 1795, was sixty-eight dollars in debt.

Mr. DEARBORN said, as it was only two years since this business was arranged, he did not think there was much necessity for going into it now; and though some of the compensations were low, he did not believe any of those who held the offices could be induced to give them up; and if they were, there would be twenty persons ready for them. If it were not, therefore, for taking off something from what he considered as enormous sums from the officers in the large ports, he should be willing to let the business lie over this session. He could wish a resolution to the following effect to be agreed to for this purpose, in preference to the mode proposed by the bill:

Resolved, That from and after the present year, the Collectors of Philadelphia, New York, Baltimore, Boston, and Charleston, be allowed ——— dollars, per annum, in place of their present compensation."

Mr. New hoped the committee would not rise. His colleague [Mr. PARKER] had mentioned the case of an officer in Virginia, at Tappahannoc,

with which he was somewhat acquainted. In the year 1795, he was brought in upwards of sixty dollars in debt. The return from that officer for the last year was for disbursements five hundred sixty-nine dollars and ninety cents, and receipts three hundred and fifty-five dollars. He doubted therefore whether, when this gentleman gave up his situation, if there would be twenty persons ready for it.

The question for the committee's rising was put, and negatived.

The consideration of the first section was then taken up, and upon an inquiry what was the compensation of the large ports under the present law,

Mr. CORT said, that New York and Philadelphia had before three-eighths of one per cent., and Boston, Baltimore, and Charleston, five-eighths of one per cent.

After a number of observations from different members, this, and the other clauses of the bill, were agreed to, with some small amendments.

After which, Mr. DAYTON (the Speaker) moved an additional section, appointing a Surveyor for New Brunswick, in Jersey, to reside there; which was agreed to.

Mr. SEWALL moved also an additional section, providing that Marblehead should be a port at which vessels arriving from beyond the Cape of Good Hope may enter and unload; which was agreed to.

The Committee then rose and reported the bill.

THURSDAY, February 16.

EXPENSES OF FOREIGN INTERCOURSE.

A report was received from the Secretary of the Treasury, in conformity to the resolution of the 9th and 10th instant, with statements of the expenditure of money appropriated for defraying the expenses attending our Foreign Intercourse, and of the money applied for the purpose of prosecuting the claims of our merchants for redress for the spoliation committed upon their property by belligerent Powers, in which report it was stated that there was a deficiency in the accounts of Mr. Randolph, the late Secretary. Referred to the Committee of the Whole to whom was referred the appropriation bill.

Mr. GALLATIN also moved that the statement of deficiencies in the contingent expenses received yesterday should be referred to the same committee. Agreed to.

JUDGE TURNER.

The SPEAKER presented a petition from Judge Turner, of the Northwestern Territory, wishing that the charges which had been exhibited against him should be brought to a hearing, as he had come up to the Seat of Government with a view of defending himself. Ordered to lie upon the table.

BALANCES DUE FROM STATES.

The House then took up the amendment of the Senate to the resolution respecting the balances due from certain States to the United States, and

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having read the resolution, which proposes, instead of calling upon the several debtor States for the whole amount reported by the Commissioners to be due, to call upon them only for the sum which they had assumed over and above what proved to be their real demand against the United States; which, of course went wholly to excuse some of the debtor States—

Mr. WILLIAMS observed, that when this subject was before the House it was fully discussed, and it would only be taking up time unnecessarily to enter on the subject again. As he heard nothing to change his former opinion, he continued to think the debt, so far as it respected the State of New York, was unfounded; it therefore mattered not to him whether the amendment proposed by the Senate was agreed to or not. Although by the amendment, only a part (said to be due) was called for, yet the debtor States were not by that amendment exonerated from paying the whole; and, therefore, were the debtor States to make provision agreeably to the amendment proposed by the Senate, they might be afterwards called on for the remainder, as, by paying a part, they would tacitly acknowledge the whole to be just.

The motion was negatived, and the House resolved to insist upon the resolution as it stood originally.

JOHN C. SYMMES.

Mr. GALLATIN said, a report had been made upon the contract between John C. Symmes and his associates, and the United States, which it was of importance to pass into a law this session, as the object was four hundred thousand acres of land, which was worth about eight hundred thousand dollars.

The House accordingly resolved itself into a Committee of the Whole on the subject, when the report, which was very long, having been read, the Committee agreed to the resolution reported, which was in the following words:

“Resolved, That a committee be appointed to bring in a bill to authorize the President of the United States to grant, in fee simple, to John C. Symmes and his associates, that part of a tract of land, the boundaries whereof are ascertained by a survey executed in conformity to the act of Congress, entitled ‘An act for ascertaining the bounds of a tract of land purchased by J. C. Symmes,’ and returned to the Treasury Department the 10th of January, 1794, which is not included within the bounds of a grant already made, on September 8, 1794, to the said J. C. Symmes and his associates; excepting and reserving out of the same the lots reserved by the original contract, entered into between the United States and the said Symmes and his associates; provided that the said Symmes and his associates shall previously, in conformity to the terms of the original contract, make the requisite payment for the tract to be granted to them, and for the 47,625 acres, part of the grant already made to them on the 30th September, 1794, for which they have not yet paid any consideration; and provided, also, that the township reserved for an Academy shall have been previously laid off and secured, according to the terms of the contract, and of the resolutions and law of Congress relative thereto.”

A committee of five was appointed, viz: Messrs. GALLATIN, VENABLE, HAVENS, AMES, and SHERBURN.

INDIRECT TAXES.

The House then resolved itself into a Committee of the Whole on the subject of indirect taxes, when the report of the Committee of Ways and Means, the letter of the Secretary of the Treasury, and the resolutions of the gentleman from New Jersey, [Mr. HENDERSON,] and those of the gentleman from South Carolina, [Mr. HARPER,] having been read—

Mr. HARPER said, that having on a former occasion gone pretty much at length into observations to prove the superiority of indirect taxes to a land tax for this country, he should not now repeat them, but confine himself to the other branch of the subject.

On the occasion alluded to, he had gone into a calculation of the present amount of the duties arising from the several articles upon which he had proposed an advance, and compared that amount with preceding years, in order to show that the revenue upon them was in an increasing state, and that they would of course bear a small advance. As these observations depended on a statement of figures, which might not be well remembered, he would take the liberty of recapitulating them, and then proceed with some observations in favor of indirect taxes. [Mr. H. here went over his estimates with respect to the present amount of duties on the several articles, the duty upon which he meant to advance, and the probable addition which would be likely to arise from the proposed additions, in the course of which he was reminded of the question by Mr. S. SMITH and Mr. HOLLAND, but desired to proceed by the Chairman.]

Mr. H. having gone through his statement, said, in order to put our revenue in some degree beyond the reach of foreign Powers to disturb it, it was necessary to connect the two systems of indirect and direct taxes together; and the more he saw, the more he was impressed with the propriety of this—so much so, that if the House should not think proper to adopt a window or stamp tax, if no member proposed an effectual substitute for them, he should think it necessary to adopt a land tax, even if all the indirect taxes were agreed to which he had offered. He thought the money would be better raised by a stamp and window tax; but, should the House not be of this opinion, he should vote for a land tax, because he thought it of unspeakable importance to have some effectual revenue which should be out of the reach of any foreign Power.

With respect to the window tax, it had been objected to as a very odious and a very impolitic tax; that it had been very unpopular wherever it had been introduced, and that, in all probability, it would be alike objectionable in this country. He thought differently. In England it might have been so, because any new tax, where the people were so heavily burdened as in England, would prove unpopular. He was of opinion that the tax

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might be so laid as to become a very equal and acceptable tax.

The objects to be aimed at in taxation, he said, were, that a tax should fall equally, and be easy of collection. Where these two properties were combined, the tax must be a good one. He believed that a tax on windows would answer this description, as there was generally a proportion between a man's expenses and the number of windows in his house; and by graduating the tax, it would fall equally on the community at large. A tax, he said, should not fall upon a man in proportion to his capital, but according to his expenses. A man might possess a great capital, and yet not possess equal means with the man of a small capital. A man, for instance, might possess a great capital in land, but it might be in such a situation as not to be saleable, or too far removed from market to be profitable. This kind of property, he said, did not enable a man to pay taxes; but, if a man's expenses were considered, his ability to pay taxes would be discovered. There might be some exceptions; indeed, some men would spend more from vanity, and some less from avarice, than they ought, but he believed the rule would hold good in general. But, if a tax was laid *ad valorem*, there was great difficulty in ascertaining the just value of property; whereas, to enumerate the windows of a house, would be done with little trouble and expense, and without any intrusion into a man's house, which was an objection to a hearth tax, as it required such visits as would be disagreeable to the citizens of a free country. A window tax would have this further advantage: if laid at first for \$250,000, it might afterwards be made to produce as much as the people were able to pay, without additional expense. He therefore preferred a window tax to a land tax, because more easily laid, and to a hearth tax, because it might be imposed without domiciliary visits.

Various objections, he said, had been made to a stamp tax. In the first place, it was said to be a very odious tax; but our dislike to a stamp tax arose, not because the tax was really objectionable, but because it had been attempted to be laid upon us by a foreign Power, which had not the right to lay it. Any other tax which that Power might have attempted to impose upon us would have proved equally odious; but, he said, the American people had sense enough to distinguish between a tax laid by their own Government, and the same tax forced upon them by a foreign Power. Another objection to this tax was, that it would require certain regulations to be made in the Courts of the different States in the Union, as it would be necessary to enact that no paper should be admitted as evidence which was not duly stamped. It might be asked, what power they had to do this? He said there could be no doubt that they had the power, as the State Courts and Judges were equally bound, by the laws of Congress, with the Courts and Judges of the United States, and there could be no doubt that the law would be cheerfully complied with. With respect to another objection, it required a good deal of consideration; but he doubted not it might be provided against by certain modi-

fications in a bill, if the tax should be agreed to. It was this: that persons in remote parts of the country, unused to make their contracts in a formal way, but who applied to their neighbors to do it, and who did it in a clumsy and imperfect manner, to say that all these papers should be subject to a stamp duty, would lay such persons under the necessity of applying to an attorney to furnish them with stamps, and to do the business for them. This, he acknowledged, would be embarrassing persons so situated, without greatly benefitting the revenue: but it would be possible to make provisions to exclude contracts of a certain description, so as to prevent this inconvenience.

Mr. H. hoped, therefore, that these two modes of revenue would be agreed to, which, together with the augmentations he had proposed to the imposts, would furnish a sufficiency of revenue for every purpose of Government. If the House, however, should think a land tax preferable, he should submit.

In conclusion of these remarks, he would add what induced him to be less decided in favor of indirect sources than heretofore. At the end of four years, another augmentation of revenue will be necessary, either by indirect or direct taxes. He doubted, therefore, whether it would not be better at present to have recourse to direct taxes, and leave the imposts for our future support. At that time, he said, after four years' further experience, they should be better able to judge of what our commerce would afford, than at present; and he trusted we should be relieved at that time from any anxiety with respect to our foreign relations.

Another consideration was, that, though imposts were eventually paid by the people, yet merchants were obliged to pay the duties in the first instance. He knew the credit given to them in some cases was so liberal as to give them time to receive the duties before they were called upon to pay them. In such instances, the merchant was only a security to Government. But, though this was the case in some degree, it was not wholly so; and where it was not so, the merchant was the lender of the money to Government. Now, there might be situations, he said, in which merchants would not be able to do this. If, for instance, any part of the capital of our merchants be kept from them in foreign countries; or if, by any sudden fall in the price of produce, they have experienced heavy losses, and were otherwise pressed in their concerns, it might not be prudent to call upon them for an addition to the present duties. It was for them to determine how far our merchants were at present in this situation. He believed the amount of their property, at this time, in the hands of foreign Powers, was not less than twelve millions of dollars.

These considerations, he said, had had great weight with him in making him less confident in resources from indirect means. He supposed they would also have some weight with the House. He finished, by saying, that he trusted the Committee would pardon him for the time he had occupied, though he perceived the patience of some individuals had long been exhausted.

Mr. SWANWICK said, considerable embarrass-

ment arose from the manner in which this subject had been introduced. They had directed the Committee of Ways and Means to report such articles of impost as would bear an additional duty. They had made a report of three, viz: brown sugar, bohea tea, and unstained cotton goods. Besides these, gentlemen had introduced a long string of other articles. The consequence, he said, had been, that the gentleman who had just sat down had not confined himself to any one article, but had extended his view to the whole, and had afterwards taken in his proposition for a tax on windows and stamps, and finished with a sort of preference for direct taxes.

Mr. S. said, he thought he saw an unwillingness in the Committee that so wide a field should be taken; he should, therefore, confine his observations to the first resolution before them, viz: brown sugar, any advance of the duty upon which, he should certainly oppose, for the following reasons:

In the first place, he considered all taxes upon articles of consumption as operating unequally; for, in spite of all that had been said about the duties falling upon the consumer, they fell very unequally upon different classes; since a poor man, in many instances, paid as much as a rich man; whereas, it was his opinion, that all taxes should fall upon men according to their ability to pay them—according to their real possessions; but, he said, in this case, a niggardly man pays too little, and a liberal man too much. But, Mr. S. said, there was another objection to the proposed additional duty on brown sugar; it was a necessary of life very generally used by the poor, the duty would, therefore, fall chiefly upon a class of the community least able to bear it. Tea, sweetened with brown sugar, he believed, was as general and as economical a breakfast as could be taken by the poor in large cities, since milk could only be had at a high price, whilst the farmer could do very well with a much smaller portion of sugar. Would it, then, be fair, or consonant with the principles of a Republican Government, he asked, thus to burden the poor of the community? He thought not.

But, it might be said, the poor man might add this additional duty paid on sugar to his labor; but this would be increasing an evil already too great, and from which cause the manufactures and agriculture of this country, at present, languished, and which would effectually destroy all the former, if further increased.

Nor was it by any means certain, Mr. S. said, that this increase of duty would produce an increase of revenue. Much less, he said, from the difficulties which were thrown in the way of our commerce, was at present imported, than heretofore; therefore, it would not follow, that because this article now produced three hundred thousand dollars, that, by laying fifty per cent. upon it, it would produce half as much more; for, as Dean Swift had justly said, two and two does not always make four in custom-house calculations. If it were so, nothing would be more easy than for a financier to calculate the certainty of revenue. The merits

of Potosi, nor any other, would be equal to such means of raising money; but he believed the duties on imposts had gone as far as they could reasonably be carried.

He was not convinced that an additional duty upon brown sugar would not do an essential injury to the manufacture of refined sugar. They had seen, by a report which had been made the other day on the petition of a manufacturer of chocolate, that the article of cocoa produced more duty when it only paid two cents than now it paid four. The reason was obvious, when at two cents, the manufacture of chocolate was considerable; but since it was four, that manufacture had been considerably injured. And how, he asked, would an additional duty on brown sugar operate in this respect? Would it not cause a greater export of the raw sugar, and consequently a greater drawback to be paid, and discourage the manufacture of fine sugar? It certainly would have that effect. Whoever would look into the last report on this subject, would find that thirty-four millions pounds weight of raw sugar had been exported in the course of one year. An additional duty would have a tendency also to diminish the consumption by making the laborious poor substitute molasses in its stead.

As he had before stated, he should confine his observations at present to brown sugar; but when the other articles came under consideration, he should have some remarks to offer upon them.

Mr. GALLATIN, conceived the whole subject of indirect taxes to be before them, though the first resolution, respecting brown sugar, might be first in order.

Mr. G. said, he did not mean to follow the gentleman from South Carolina through the whole of his observations, with respect to the present or past produce of the duty upon this or that article, and infer from thence what an additional sum laid upon it would produce. That gentleman had twice already given them, in substance, the same account; it was unnecessary, therefore, to go over that ground again; yet, as he had given them a caution, which he ought himself rather to have observed, he would make an observation or two upon his statement.

Mr. G. here took some notice of what he conceived to be errors; at the same time that he acknowledged the gentleman deserved credit for the efforts he had made to become acquainted with the subject; that it was an extremely difficult one to come at with accuracy, and that the only conclusion he could draw was, that there were some articles the duty upon which might be increased, but to what amount could not be said.

Mr. G. said, he would fully agree with the gentleman that two of the articles which he had enumerated, might produce additional revenue from an increase of duty, viz: salt and sugar; but not in the proportion of the duty laid—to ascertain the amount, would require a different calculation from any which had been made.

When he rose, he said, he meant only to make a few observations, and to follow them with a motion for the Committee to rise, with a view of

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having it discharged from a further consideration of the subject. He meant to show that it was not necessary to increase the revenue by means of indirect taxes; at the same time, he would say that he had no expectation that the bill for laying a direct tax would pass this year. And he would go further, and say that he would not vote at all for the present bill as it now stood.

He said, he would show that it was not necessary to raise any additional revenue for the present year. He had always said that the increase was wanted for 1801. The reason which seemed to induce the gentleman from South Carolina to be in favor of direct taxes, was, that, if revenue was now raised, there would be wanted a further advance in the year 1801. The truth was, that the revenue now wanted was for that year. If the fact was denied, he could call upon any gentleman to prove that the revenue of the present year will not be sufficient to meet the expenditure. They had received no estimate to this effect; nor had any hint been given from the Treasury of this kind.

Mr. G. said, he would mention the data upon which he grounded his opinion: If he should be mistaken in any particular, he hoped he should be put right.

He found that, during the present year, we had to pay an annuity on the foreign Dutch Debt, which, with the interest, would amount, he believed, though he could not state precisely, as he had not papers before him, to about three millions nine hundred thousand dollars. Now, said he, we have to add to this, the current expenses of the year, the total amount of which would be found, by the estimate, to be \$2,130,852, to which must be placed the \$40,000 annually appropriated for foreign intercourse not included in this estimate. These three items made about \$6,100,000. Deduct from this sum a saving in the Naval and Military Establishments of at least \$200,000; but, having yesterday received an estimate in the deficiency of contingent expenses of \$200,000, he supposed, that one of these items would balance the other. If there were added to this sum \$300,000, as an extraordinary sum for defraying the expense of intercourse with foreign nations, this would make a total of expense of about \$6,400,000. In this estimate, it was true, that no provision was made for paying any instalment of debt. It went upon the supposition that money now due would continue to be due. The debts owing were the foreign debt due to Holland, and the debt due to the Banks; for the payment of the last of which they had last year provided, by empowering the Commissioners of the Sinking Fund to borrow money at six per cent., and to sell our shares in Bank stock. The Bank stock had not been wholly sold, and therefore, if it were necessary to make any additional payment to the Bank, it might be made from that source; for, however great the wants of the Bank might have been, they had not thought proper to have more of the Bank shares sold, than to the amount of one million two hundred thousand dollars.

There was no other provision to be made but

for the payment of the instalments of Foreign Debt, as they became due; and until the year 1801, these were from \$160,000 to \$400,000 a year. Supposing it to be the latter sum for this year, this would make the whole expense \$6,800,000.

With respect to the revenue, whatever doubts might be entertained as to future imposts, there could be none as to what would become due this year, as these arose from the year 1796. The amount of revenue for 1796, commencing with October 1795, to the same month in 1796, was upwards of \$6,800,000, viz:

For duties on imposts and tonnage	-	-	\$6,135,000
For internal revenue	-	-	469,000
Postage	-	-	58,000
Interest on Bank stock, (deducting \$10,000 on account of what had been sold)	-	-	150,000
			<hr/>
			\$6,802,000
			<hr/>

This, Mr. G. said, was the amount of the revenue for the year 1796, and receivable in 1797, from which it appeared that the revenue of 1797 would be at least equal to the expenses of that year. The only question was, would the revenue of 1797 be equal to that of 1796. They all knew there had been a great increase of importations. Besides, he said, some parts of the internal revenues would be more productive than heretofore, from regulations which had taken place in them. He mentioned wine licenses, auctions, and carriages. More than \$150,000 additional would be received from these sources; so that, if the imposts fell short so much, the revenue would remain the same as at present.

If this statement were true, this conclusion arose, viz: that no additional revenue was wanted for the present expenses of Government this session. Whatever additional revenue was wanted, was wanted with a view to the demands of 1801, and the payment of the Public Debt. If, then, there was no immediate necessity for additional revenue, he thought it would be best not to do anything more this session than to endeavor to mature a permanent plan to be carried into effect at the next; and, therefore, that it would not be desirable to increase the duty upon any article of impost that any gentleman might, from, perhaps, whim or caprice, suggest, since this would afford no effectual source; for, said he, though we have sufficient evidence before us, that the revenue of 1797 will be equal to the expenditure, we have not sufficient information to convince us that any additional duty laid upon the articles proposed, will produce additional revenue. And, indeed, there was not time, during the present session, to determine upon any tax (if there should be a disposition to do it) such as had been proposed, on windows or stamps.

If, he said, there was an immediate want of money, and Government must stop if it was not procured, as a direct tax could not be laid this session so as to produce immediate revenue, he would have consented to an increase of duty on some articles of impost; but this was not the case.

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For these reasons, and in order, to give time to prepare the bill, for laying a direct tax at the next session, when the subjects of direct and indirect taxes could be fully discussed, and that adopted which appeared best calculated to answer the wished-for end, that they might now go on and amend the bill for laying a direct tax, without passing it, he would move that the Committee rise, in order to be discharged from a further consideration of the subject.

Mr. BUCK said, it appeared now to be discovered that we had no occasion for additional revenue. It was unaccountable to him that this discovery was not made sooner. It would be recollected that, last session, the gentleman from Pennsylvania [Mr. GALLATIN] undertook to show that there had been an augmentation of the debt to the amount of two millions, and uniformly pressed the necessity of going into a direct tax, from an apprehension that no dependence could be placed on indirect sources; but now, upon a sudden, it was discovered that no augmentation of revenue was wanted. He could not reconcile this conduct; nor was he convinced that no augmentation of revenue was necessary. On the contrary, he believed it would be necessary to augment indirect taxes as far as they would bear, and when that was done, that resort should be had to a direct tax.

It had been referred to the Secretary of the Treasury, Mr. B. said, to report upon what articles of indirect taxation an additional impost could be laid, and he had reported his opinion upon the subject. That report had been referred to the Committee of Ways and Means, and they had reported upon it, recommending three different articles upon which an additional revenue might be raised; but, when they were about to go into a discussion of the subject, they were told there was no necessity for additional revenue. This, he said, was very extraordinary. He hoped, however, the Committee would not rise, but proceed with the business.

Mr. GALLATIN said, if the gentleman who had just sat down would advert to what had fallen from him on former occasions, it would be found that it was no new discovery that the revenue of the present year would be equal to its expenditure. The gentleman himself was on the Committee of Ways and Means last year, and must have known his sentiments on that subject. [Mr. G. read an extract from the report of that committee, on the subject of further revenue, which confirmed his opinion that the present revenue would prove sufficient till the year 1801.] Mr. G. said, it was upon that report that a direct tax originated, and he had never, from the time that he first was upon the Committee of Ways and Means, held any other opinion than that the present revenue would be equal to the present expense.

As to what he had said with respect to the increase of the Public Debt, that had nothing to do with the subject; because the revenue of 1792, 1793, and 1794, was not equal to the expenditure of those years, this could not have any effect upon the present time.

Mr. WILLIAMS believed the revenue might be

sufficient to meet the expenditure; but he asked whether it would be provident to have only just enough, especially when there was an apprehension that our commerce might meet with considerable obstruction. Although he was for reducing the Military Establishment, which measure had been defeated by a majority of that House, he did not wish to prevent the collection of sufficiency of revenue. Whatever was more than the expenditure, would be well applied in discharging a part of our debt. An additional sum might be very easily raised from sugar, and from several other articles, without much trouble, and the next session there would be more time for maturing a direct tax. He hoped the Committee, therefore, would not rise.

Mr. HENDERSON hoped the Committee would not rise. The gentleman from Pennsylvania had given two reasons for the rising of the Committee; one, because no revenue was at present wanted, and that, therefore, it was not necessary to go into the subject this session. His other reason was, that they had not information sufficient upon which to ground any calculation with respect to the productiveness of any tax which might be proposed. With respect to the present revenue being sufficient, he had much doubt, as the loss from spoliations committed by foreigners upon our commerce would doubtless be great, and consequently reduce our resources. It was on this account that the propositions for augmenting the revenue had been brought forward. Every gentleman who had spoken on the subject had touched upon the necessity of meeting the defalcation, and it appeared to him that the easiest way of doing this would be by means of an addition of duty to some of the articles of import. Considerable time had been spent upon the subject, and he hoped they should go through with it. A contrary conduct, he thought, would appear inconsistent.

With respect to documents upon which to found an additional impost, he believed they had the best that could be got, though that gentleman had said particular items had not been brought forward, according to the whim or caprice of members. They had the statement of the Secretary of the Treasury, giving an account of the amount of duty produced by every taxable article since the commencement of the present Government. This document not only presented a view of the amount produced by each separate article, but the comparative amount of one year with another; from which a judgment might be formed, whether the duty had checked the importations, or the contrary. This being the case, and having got the business matured, he hoped they should fully consider the subject, and not abandon it without examination.

Mr. S. SMITH said, he should be excused from the censure of the gentleman from Vermont, because he had before stated the revenue of the United States to be equal to the expenditure. He had examined the estimate which had been laid before that House by the Secretary of the Treasury, and found that, until the year 1801, the revenue would be sufficient. He was, however, for

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going into the system of direct taxation, to see whether the plan could be carried into execution; if it could, it would be a desirable thing. He should, therefore, be for the Committee's rising; because, if they did not go soon into the subject, there would not be time for them and the Senate to discuss the subject of direct taxes. He formed his opinion from different documents from those which the gentleman from Pennsylvania had had recourse to; he had had recourse to the report of the Secretary of the Treasury, on the subject of direct taxes, but he believed, in effect, they would amount to much the same thing.

DEBT.

From 1796 to 1801, inclusive, the payment required as well for interest as the average principal to be discharged, will be - £4,729,398

Annual expenditures, on the payment of
October, 1795 to 1796 - 2,000,000

£6,729,398

From 1801 to 1809 inclusive, the same payments required, will be - 5,877,094

Annual expenditures - 2,000,000

£7,877,094

From 1810 to 1818, inclusive, the same payments will require - 4,619,668

Annual expenditures - 2,000,000

£6,619,668

RECEIPTS.

From the 1st of October, 1795, till the 30th of September, 1796, were actually:

On duties of imports and tonnage - £6,135,196

Internal revenue - 409,579

Postage - 58,909

Dividend on Bank stock - 160,000

6,823,684

Interest on stock purchased and redeemed 88,636

£6,912,320

From this statement, it will appear, that if the revenue of 1796 can be relied on, that it will be found equal to all expenditures until the year 1800. From that period we shall require an additional revenue of £964,774; say one million, until the year 1809 inclusive; at which time the Dutch debt being paid off, the demand lessens, so as to fall within the amount of the present revenues of the United States. It will be fair to suppose that the revenues will increase equal to any ordinary rise in expense.

Mr. WILLIAMS said, with respect to the sum said to arise from the postage of letters, if the bill which had passed the House went into a law, he did not think there would be a single dollar saved from that source. In their calculations of expenditure, gentlemen had not taken in any estimate for fortifications. They had a report on that subject, and he believed it would be necessary that

some money should be expended in that way. He thought there were other expenses not included in the estimate made.

Mr. DAYTON (the Speaker) said, that if the motion for the Committee to rise and be discharged from the further consideration of the plans for improving the system of indirect taxation, was the result of a conviction that it would be unnecessary to increase the revenue at this time, he should cheerfully give it his assent. Thinking, however, that the object of discharging the Committee was to smooth and better prepare the way for a land tax, he should be decidedly opposed to it. He had expressed a belief that by laying additional duties upon four or five articles of importation, which were too bulky to be smuggled, and easy, certain, and cheap in their collection, the revenues from that source would be so far improved and enlarged as to render the income equal to the exigencies of Government. It was consistent and politic in those gentlemen, however, who had composed the majority in favor of the abstract proposition for direct taxes, to advocate this motion for abandoning the attempt to improve the impost duties, which stood much in the way of their favorite system. Their arguments in favor of that system would be strengthened in the proportion that they could increase the necessities of the Government, and check the investigation and adoption of other new sources of revenue. The majority had it undoubtedly in their power to forbid by their vote the discussion and consideration of any plan which tended to counteract theirs. If they did so, and if they afterwards forced upon the minority the discussion of their own, he, for one, Mr. D. said, should think himself warranted to decline entering into its merits, and to oppose the bill upon a more general principle, of its being unnecessary and unadvisable so soon to resort to a land tax, under any modification whatever.

Mr. GALLATIN said, when he was up before, he had declared that he did not wish the system for laying a direct tax to be carried this year. He did not know, therefore, what the gentleman meant by saying it was a politic measure to get rid of the business in order to smooth the way for a direct tax. If this had not been his view, he would not have made the declaration he had made, because he considered himself as bound by it. He wished to have the bill amended, and go out to the people as a proposition; but further he did not wish to go at present. He therefore thought, after this explicit declaration, the remark of the gentleman last up was uncandid.

Mr. NICHOLAS said, the warmest friends of a direct tax did not expect it would be in the power of the House to modify the bill so as to pass it this session. He was not himself willing to vote for the bill as reported; but he doubted not it might be so amended as that he should be induced to vote for it, because he was convinced the necessary revenue could not be raised from the articles proposed. The three articles which the Secretary of the Treasury had reported as most likely to produce additional revenue, might produce a small

sum; but could not be reckoned as a substitute for a direct tax, and there was, therefore, no alternative by which to supply the wants of Government.

With respect to the arguments used in favor of indirect taxes, viz: that they were certain and easy of collection, he thought they were against their adoption. The great argument of the gentleman from South Carolina, for an increase of duties upon certain articles, was, because their consumption had increased. It was strange that any gentleman should lay stress upon this, since within these few years the price of labor had nearly doubled; and if the increase of consumption were compared with the increased price of labor, it would not be found to have kept pace with it.

Another object had been mentioned for producing revenue, viz: a window tax. It was the greatest absurdity, he said, to think of making an article of caprice a mean of furnishing revenue. From what circumstance had a man a house of this or that size, but from his taste or caprice? Such a tax would fall very unequally. For instance, if one man had two thousand acres of land, and another had one thousand acres of land and the value of another thousand in money, though their fortunes were equal, they would not equally contribute to this tax. The man who had the money would immediately build himself a commodious house, but he whose property was wholly in land, might spend half his life before he got a comfortable house erected. This object was, therefore, a matter of mere whim and accident, and a very improper one of taxation.

An objection to indirect taxes altogether, was, that the expense of collection greatly counterbalanced the facility with which they were raised; for, before the money came into the Treasury, there were three collections and two insurances paid for, which would not amount to less than 50 per cent.; as, there was not only the immediate collector of these duties to pay, but also two merchants, and they must all be indemnified for the risk they run of losing the revenue, which would not be done without an adequate charge. It would, therefore, become a matter well worth consideration, whether, because this money could be drawn with facility from the people, it would warrant so much more being drawn from them than would be necessary, if the expense of collection were moderate. He believed it would not; and that the people had understanding sufficient to know that it was best to support Government in the least expensive way, since all money for its support came from them, and that 50 per cent. was too much to be paid for the accommodation of having their money insensibly drawn from them.

With respect to our revenue being sufficient to meet our present expenses, he believed gentlemen were correct in their statements; but if a tax must be laid he should be in favor of a direct tax, as the fairest and cheapest way of collecting money for the expenses of Government.

Mr. KITCHELL said, he had attended to the statements which had been given to them by the gentlemen from Pennsylvania and Maryland [Mr.

GALLATIN and Mr. S. SMITH.] It was their opinion that our present resources would be sufficient till the year 1801, and, therefore, that it was not necessary to go into a consideration with respect to additional revenue till next year. But, Mr. K. believed, if they considered the probable deficiency which was likely to take place in the imposts of this year, they could not reckon with any certainty upon the revenues to be derived therefrom in the year 1798. He was ready to acknowledge the revenues of 1796 would pay the expenses of this year, but he doubted much whether those of this year would be equal to the expenses of the next. He thought it therefore, necessary to provide additional revenue at this time, or the deficiency might overtake them before they were prepared to meet it.

But gentlemen said, at the next session of Congress they would bring forward a system for collecting a direct tax. Mr. K. said he was opposed to this mode of raising money, if it could be avoided; and, as long as other means of raising money were passed over, he could not agree to go into this measure; for, he conceived that a direct tax would fall unequally both upon States and individuals; for, as the tax was to be laid upon the States according to the last census, and since that time many States had greatly increased, whilst others had remained nearly stationary, it would be unequal in that respect; and, when they went into the bill, it would be found it could not be so laid as to fall in any degree equally upon different classes of citizens; for, though the commissioners to be appointed were to be vested with Legislative and Judicial powers, it could not be made to bear so equally as an indirect tax. It had been said that the collection of an indirect tax was expensive. He admitted it; but what should they get in this respect by adopting a direct tax. Another horde of officers must be appointed, and as great an expense would attend the raising of \$1,200,000 from this source as was paid for \$6,000,000 or \$7,000,000 from indirect means. He could never, therefore, consent to abandon indirect taxes for the purpose of adopting a direct tax. He should, of course, be against the Committee's rising, in order that the propositions for raising additional revenue from existing taxes might be considered.

Mr. W. SMITH had no objection to the Committee's rising, as the hour of adjournment was at hand; but he hoped it would be permitted to sit again, because he thought it was right to give gentlemen, who were opposed to direct taxes, an opportunity of bringing forward every object of an indirect kind upon which they thought an additional duty ought to be laid, that if hereafter it should be necessary to lay a direct tax, they might vindicate themselves by saying they had done all in their power to raise the necessary revenue without effect, by means of indirect taxes.

Mr. S. said, there was considerable embarrassment on this subject. Gentlemen in favor of indirect taxes, from the present high duties and the embarrassments upon commerce, could have no certainty of any addition which might be made

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to the present duties being productive; and gentlemen who thought with him, that, however successful our commerce might be, a sufficiency of revenue to meet our wants could not be drawn from indirect sources, were unwilling to increase the duty upon the two or three articles reported as most likely to produce additional revenue, thinking the duty already sufficiently high.

There was another source of revenue which had been proposed, which would be free from the embarrassment to which a duty on imposts was liable, viz: that of stamps. This species of tax was equally freed from the objections brought against direct and indirect taxes, and had, therefore, the advantage of neither being classed with the one or the other. It would be seen whether such a kind of tax on stamps could be devised as would prove acceptable to that House.

In the course of this discussion gentlemen had doubted whether any revenue at all was at present necessary. He said he had paid a good deal of attention to this subject, but he differed from those gentlemen in opinion. There were but few things upon which to ground a certain decision; a great deal, he said, must depend upon conjecture. They had not yet passed the appropriations for the Civil List, Military or Naval Establishments; therefore no deductions could with certainty be made from these items. So with respect to our revenue; the uncertainty of what the amount of this might be, not only from the spoiliations which were committed upon our commerce by foreign Powers, but from the present embarrassments of our merchants, was great. There was no fact from which to draw a conclusion. Gentlemen made their own inferences; but, from the best information he could get, he believed the revenue would fall short of what it had been calculated. The gentleman from Pennsylvania [Mr. GALLATIN] had stated the amount of the interest, and of our foreign debt, to be \$3,000,000. He had estimated another object (foreign intercourse) at \$300,000. These might be nearly right; but the same gentleman had calculated upon a reduction of the Military Establishment of \$250,000. Now he had inquired of the Secretary of War, what saving could be made under this head, and he did not consider that there would be any saving at all from last year. He said, they had last year deducted from the estimate about \$100,000, but they now found they had to make up a deficiency; and probably if any deduction was now made, they should have to make it good the next year. This deduction was, therefore, founded upon conjecture.

The same gentleman had estimated the instalment of the foreign debt due to Holland at about \$400,000. This might be the sum we shall have to pay this year; but the Secretary of the Treasury had estimated what was necessary to be paid in each year, in order to discharge the whole till the year 1801, and he made it \$1,200,000; and if only \$400,000 were paid this year, the deficiency would have to be made up another.

Mr. S. said, he understood it was also the wish of the House to make provision for the payment

of a part of the Public Debt as soon as possible, because it was a continual embarrassment; he, therefore, hoped some effectual means of revenue would be adopted for discharging the debt; but if only \$160,000 or \$400,000 of foreign instalment were calculated for this year, it would fall the heavier in future. So with respect to the Bank, the debt due amounted to six millions. The gentleman had said provision had been made for the payment of this, but, he asked, in what way? They had authorized the Commissioners of the Sinking Fund to sell their shares of Bank stock, and to create a six per cent. stock, which was to be sold upon certain conditions. With respect to the Bank stock, to the amount of only \$1,200,000 had been sold, and that at an advance of 25 per ct. at sixty days credit, without interest, which had since fallen ten or eleven per cent., so that if they were obliged to sell more of it, it would be at a great loss. With respect to the six per cent. stock, if they were obliged to sell it, the loss would be enormous. He, therefore, thought they should not determine on this mode of discharging the debt, but raise taxes to pay it.

He said, it was true, that the amount of imports for the year ending October, 1796, was upwards of six millions; but it would also be acknowledged that this was an extraordinary year, and that (as it had been urged on a different subject) 1795 would be a more just calculation for the future than 1796. With respect to the internal revenues, they were uncertain; he did not suppose there would be any considerable increase upon last year; and he doubted whether there would be any surplus from the Post Office, if the law now before the Senate passed. Therefore, allowing the gentleman's statement to be nearly accurate, additional revenue would be necessary, and it would not be right for the House to adjourn without furnishing it. He, therefore, wished the Committee might rise, and have leave to sit again.

Mr. DAYTON said, that the member from Pennsylvania seemed to claim an apology for an expression that he had uttered when last upon the floor, but he owed him none. He had said that a majority had been found to vote for a direct tax, and that it was very consistent and politic in them to discharge the Committee of the Whole from the consideration of indirect taxes, and thereby remove the principal obstacle to their views. That gentleman seemed displeased that his declaration had not been believed to be, not merely his own sense and intention, but that of the majority also. With what propriety, Mr. D. asked, could he put himself in their place; under what authority could he thus answer for them? Admitting that the gentleman had given assurances that he would not call for passing the land-tax bill in the session, and that he would adhere to his promise, might not other members call for and carry it through without him, and might it not be probable that they would carry the present motion with that design? Besides, Mr. D. said, he was not satisfied with any assurances confined to that session alone, and should not thereby be allured to abandon the plan which he thought far

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better. He wished to adopt such measures as would put a land tax at a greater distance than this year, the next year, or the year following, or until a war left them no other choice. This he was persuaded could only be done by an immediate addition to the duties on four or five articles of importation, which would well bear it, and produce about \$600,000 or \$700,000 annually. It might commence as early as June or July, and the impression which it would make upon the debt in three years, would be such as to liberate a portion of revenue sufficient to face the increased demands of 1801, without imposing any new tax whatever.

The Committee, on repeated calls, rose, and the House, after granting leave to sit again, adjourned.

FRIDAY, February 17.

A message was received from the Senate informing the House that they insist upon their amendment to the resolution respecting a call upon the debtor States for the balances due to the United States, and desire a conference, for which they have appointed Mr. ROSS and Mr. STOCKTON. Whereupon Messrs. GALLATIN, COIT, and BALDWIN were appointed on the part of the House.

Mr. D. FOSTER, from the Committee of Claims, reported a bill for placing certain persons on the pension list; which was twice read, and committed to a Committee of the Whole. The House went into Committee upon it, but, in order to gain information on the case of a man claiming to be placed on the pension list, and not inserted, the Committee rose, and had leave to sit again.

DRAWBACK ON SPIRITS.

On motion of Mr. GALLATIN, the House went into a Committee of the Whole on the bill, allowing a drawback on spirits exported by vessels of less than 30 tons burden by way of the Mississippi; it rose and reported the bill without amendment. The House took it up, when Mr. COIT moved to strike out the word "repeal," with a view to insert the words "to suspend for one year," the effect of which would have been to suspend the act which prevented the drawback being allowed, instead of repealing it. Mr. W. SMITH moved to have it recommitted to the Committee of Commerce and Manufactures, which being negatived, 40 to 35, the amendment was then negatived, and the bill was ordered to be engrossed for a third reading to-morrow.

INDIRECT TAXES.

The House then resolved itself into a Committee of the Whole on the unfinished business of yesterday, viz: that of indirect taxes; and the resolution for laying an additional duty on brown sugar being under consideration—

Mr. W. SMITH hoped they should agree to this resolution. He thought there was no danger of its being felt much, it could be easily collected, and would raise a considerable sum.

Mr. NICHOLAS said, because a tax was imperceptibly felt and certain in collection, was a bad rule to judge of its propriety. If they had no choice of means, indeed, such a tax might be desirable; but they should consider whether this additional duty might not lessen the consumption. It might be said that half a cent would be scarcely felt; and it was true, that the higher the duty was raised, the less considerable would any future addition appear, and this would introduce a principle of laying taxes upon those articles upon which they could be most certainly collected, without regard to propriety or justice. And if revenue was again wanted next year, he should not be surprised to hear it said, that another half cent on sugar would scarcely be felt. But it was a serious consideration thus to tax articles of necessity, which were used by persons who could ill afford to pay any additional price for them, in a much greater proportion than persons of property. It was an article of necessity; old and infirm and sick persons would feel it very heavy. The tax would thus lie heavy on persons who could not afford it; this he thought should bear weight with the Committee, and he thought it should not be hazarded.

Mr. W. SMITH said, the proposed increase, it was calculated, would raise 110,000 dollars, and as the article was not liable to be smuggled, nor its consumption to be decreased, it would be a certain, and he thought, an eligible tax.

Mr. HOLLAND had no doubt but this tax would augment the revenue; but he knew also that it would fall more upon the poor than upon the rich, and he thought they ought not to add to their burdens. He thought there were other articles which would bear some addition, but either brown sugar or salt would be much felt. If they studied that which would be burdensome, here they might fix, but he hoped this was not the principle. By advancing an article so universally used, a rise of labor (already too high) must naturally follow.

Mr. SWANWICK said he could only repeat his observations of yesterday (which he mostly did.) They had lately been called upon, he said, for advance of salaries to many officers; instead of advancing, they were lessening them by taxing articles of necessity.

The situation of the West Indies had lately raised that article very much. He thought great inequality would be produced by it and much injury felt.

Mr. KITCHELL believed the rich and opulent would bear their portion of this tax as well as the poor, as it would fall upon fine sugar as well as upon brown. It would therefore be paid in proportion to the sugar used, and would fall as equally as any other tax which could be laid.

In this instance, Mr. K. said, gentlemen seemed apprehensive of the poor bearing too great a part of the burden; but, if the direct tax on land were to take place, would it not, he asked, fall much heavier upon the poor than a tax on sugar? He believed it would; since the poor who held lands would be called upon to pay their portion of it,

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whilst the rich who held no lands, would escape it. He, therefore, thought this a far preferable tax.

Mr. DEARBORN said, if further revenue was necessary, he could not conceive any article which would bear an advance of duty better than the one proposed. The present duty, he said, was one and a half cent a pound, and could it be supposed, that to lay an additional half cent upon it, could make much difference to the consumer, or that it would ever be felt, or that, at the end of a year, it would be discovered whether one and a half or two cents duty had been paid upon a pound of sugar? He should have no objection, instead of half a cent, to lay an additional cent upon this article. In various parts of the country, brown sugar was retailed at from 12 to 20 cents a pound, the price being much increased from the present distressed situation of the West Indies. But they would find sugar of the same quality selling in one place for 12, in another for 14 or 16 cents; therefore, whether the duty was one or two cents, he did not think it would be felt by anybody. It was true, that it was an article used by the middling and lower classes of the people; but the tax falling upon fine as well as brown sugar, all parts of the community would bear an equal share in the burden.

Mr. D. said, he was not certain whether any additional revenue was at present wanted; but, at all events, he could see no objection to an additional half cent or cent upon sugar; when even this small advance would raise more money than the whole of some taxes which were very expensive in the collection. Whenever peace and tranquillity took place in the West Indies, and the trade to that quarter could be carried on as usual, the price of sugar would fall to nearly the price at which it was formerly sold.

Mr. WILLIAMS moved to strike out the half cent, and insert a cent. It appeared to him that such an advance could not materially affect the consumer. The people, it was true, might use less; but, if they did so, as it was an article of luxury, every pound of sugar which was less consumed, would be of benefit to the country, by keeping the money which it cost in a foreign market at home. But he did not believe that this would be the case; or that the proposed additional duty would increase the price of labor, as had been suggested. He believed the price of labor would be regulated by the price which the farmer was enabled to get for his produce. Whatever the farmer could afford to give his laborer (especially in this country where agriculture is the true interest) would fix the price of all other labor.

An additional cent on sugar, he believed, would produce at least 220,000 dollars; and, as he had before observed, if it caused some persons to use less, it would be an advantage to the country. During the war, in the part of the country where he lived, very little sugar was used, except what the people made themselves, and they, at that time, in some degree got out of the use of it.

Mr. HOLLAND said, perhaps the constituents of

the gentleman last up might manufacture their own sugar, and therefore would not be affected by this tax; but the greater part of his constituents were obliged to use and purchase their sugar; and if it were a luxury, it was one he did not wish to deprive them of, but that they might have it upon the same terms as usual. He looked upon it as a necessary of life, already at too high a price, and he should, therefore, oppose any advance of duty upon it.

Mr. GALLATIN said, he and his constituents were in the same situation with the gentleman from New York [Mr. WILLIAMS] and his constituents. They manufactured almost the whole of their own sugar; very little imported sugar was used; indeed, they sometimes exported sugar; but though this reason seemed to act pretty powerfully upon the gentleman from New York, it would not have the same effect upon him. Whenever a measure operated partially upon other parts of the Union, though it might operate in favor of his constituents, he should feel himself in duty bound to oppose it. On the ground of their being Representatives of the whole Union, as well as on the ground of policy, he did not believe it was right to endeavor to throw a burden upon one part of the Union, because the part in which they were most particularly interested, would escape it. He hoped the amendment would be rejected, and after the sense of the Committee should have been taken upon it, he also would move an amendment. At present, brown sugar paid one and a half cent a pound duty, and molasses three cents per gallon. He should, therefore, move to have an additional cent laid upon molasses, in order that the two articles might be increased in the same proportion. He was against any increase at present; but if the duty on one article was increased, the other ought also to be increased.

With respect to the opinion of the Secretary of the Treasury, which had been said to be in favor of this tax, he believed it was rather against it. [Mr. GALLATIN here read an extract from the letter of the Secretary of the Treasury, on the subject of indirect taxes, which seemed to say, "that this tax would be as eligible as any other, though there might be danger in increasing any."] Mr. G. added, that if half a cent advance might in some degree be eligible, a whole cent would be considerably less so. He hoped, therefore, it would be rejected.

Mr. WILLIAMS observed, that he had said the people in the part of the country from whence he came, made their own sugar during the war; if they were to make it now it would cost them more than double the price at which they might purchase it. He said, when the gentleman from Pennsylvania [Mr. GALLATIN] found the land tax was not likely to pass, he wished to defeat every proposition for an indirect tax. He had attempted, therefore, to defeat an additional tax on sugar, by proposing to add molasses to the resolution. He did not think this fair; he wished every proposition to stand upon its own ground. A few days ago, that gentleman had insisted upon the necessity of laying a direct tax; but now he

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came forward, and said no additional revenue was wanting. He wished not to have a compulsory tax, but a tax which persons might pay or not. If they did not like to pay the tax on sugar, they might do without it.

Mr. COOPER said he was against any additional duty on salt or sugar, though he and his constituents (as well as his colleague and his constituents) should bear no part of the burden, as they made not only sufficient for themselves, but for sale. Indeed, he said, a duty on salt exported out of the United States, would produce revenue, as a considerable quantity was sent into Upper Canada.

Mr. WILLIAMS denied that his constituents made any salt; they had no salt but what paid duty; nor did his constituents make one-fourth of the sugar they used; nor did he believe his colleague [Mr. COOPER's] constituents make one-half of the sugar they used, as he well knew that a large quantity of sugar was sent to that district by way of Albany.

Mr. REED hoped the amendment would obtain. Although such persons as lived at a distance from market manufactured their own sugar, and consequently would be excused from this duty, yet they labored under many disadvantages in other respects, on account of their remoteness from market, and therefore he had no objection to their being excused from the operation of this tax. He did not believe this tax on sugar would fall upon poor persons. Farmers, indeed, used a little brown sugar, but they would rather pay a little more for this article than have their land taxed.

Mr. CLAIBORNE was against the amendment. If an additional duty of one cent was laid upon brown sugar, the different dealers would make it three or four, so that it would be materially felt.

The amendment was put and negatived, there being only 29 votes in favor of it.

Mr. GALLATIN then moved to amend the resolution, by adding an additional cent per gallon upon molasses. At present the duty on brown sugar was one and a half cent per pound, and on molasses three cents per gallon. The advance of 33 per cent. on the present duty would be the same that had been agreed to be laid upon sugar.

Mr. SWANWICK seconded the motion. The only way in which the tax on brown sugar could be secured, was by advancing the duty on molasses in the same proportion, otherwise molasses would be used in the place of sugar, and the duty would be evaded. But he would have gentlemen consider in what situation they placed the revenue in respect to drawbacks. The person who paid the duty was probably not the same who drew the drawback on exportation; the United States run the risk, therefore, of paying the drawback, without receiving the duty. Though he thought the tax on sugar highly objectionable, yet if it were adopted, he thought it right that it should be accompanied by a proportionate tax on molasses as security to the duty being paid. One cent a pound on sugar, it was said, was a trifle; but it was well known that the price of that arti-

cle was at present very exorbitant from the disorders which had taken place in the West Indies.

Mr. W. SMITH did not think this amendment was in order. The first proposition should be agreed to or disagreed to, before any other proposition was produced. It was improper when an additional duty on sugar was under consideration to introduce any other article; for they might as well add millinery to the proposition as molasses.

The Chairman determined the amendment to be in order.

Mr. NICHOLAS hoped the amendment would be agreed to. His principal objection to a tax on sugar was, because, having been successful in making one addition, it would be an argument for making future ones; but if molasses was added to it, the tax would then fall more equally on the poor of different parts of the Union, and be a means of keeping down the tax.

Mr. BUCK said, if he thought the advocates of this amendment would vote for the resolution when amended, he might be induced to vote for it; but he believed they did not mean to do so. If an increase of the duty on brown sugar would fall upon the poorer class of the people, an additional duty on molasses would fall much heavier upon them. But he thought gentlemen were mistaken with respect to the operation of the tax on brown sugar; in the country it would not fall upon the poor, though in the cities it might do so; though in increasing the duty on brown sugar, that on fine was also increased. In the country it was the rich who used brown sugar; they had not got to that pitch of refinement which called for the use of fine sugar, they used brown sugar, and the poor used none, they sweetened with molasses. Notwithstanding this, if he thought gentlemen meant to vote for the resolution when amended, he would not object to the addition on molasses, as he did not think so small an advance would be materially felt.

Mr. RUTHERFORD hoped they should not agree to lay an additional duty on either of these necessities of life. He hoped there was sufficient good sense in the House to oppose such a measure. They were used by all classes, from the infant to the stoutest man; particularly by many poor, infirm, aged persons, who looked upon them as nutritious and balmy nourishments. He hoped, therefore, they would not increase the price of these articles; for, if an additional cent was added, the dealers would add two, three, or four cents, which would be more than the poor could afford to pay for them.

Mr. CHRISTIE believed the gentleman from Pennsylvania meant, by the introduction of this amendment, to defeat the tax on sugar altogether; he should, therefore, vote against this amendment; but if the additional tax on sugar should be carried, and the additional tax on molasses should be introduced alone, he would vote for it, but he would not vote for them together. He did not think the tax on sugar would fall upon the poor particularly, as fine sugar would be taxed equally with the brown. He thought it was a fair object of taxation. He believed they should want reve-

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nue, and he did not know an article from which it could be better raised.

Mr. FINDLEY was at a loss to know how a tax on molasses would operate; but his doubts had been removed by the gentleman from Vermont [Mr. BUCK] who had informed them it was used by the poor in place of brown sugar. In many parts of Pennsylvania molasses was scarcely known, and brown sugar was generally used by the poor; if, therefore, the same class of persons in one part of the country used molasses for the same purpose for which brown sugar was used in other parts, it was only reasonable that both should be taxed in the same proportion.

His colleague [Mr. GALLATIN] had mentioned that his constituents would not pay any of this tax, as they made their own sugar. It was so with a part of his constituents, but not with the whole. As it would be unjust to pass one tax without the other, he should be in favor of the amendment.

Mr. GALLATIN said, it had been charged against him, that he had introduced his amendment from a view to defeat the tax on sugar. He had already said that he did not wish for any indirect tax during the present session; but, at the same time, he considered it his duty, if a majority should choose to pass the resolution, to make it as good as possible before he voted against it, for this purpose he had introduced his amendment. Whenever the duty on sugar was increased, that on molasses should also be increased. With respect to what had been said about the duty on brown sugar not falling upon the poor, it was contradicted by the quantity every year imported into the United States. When they knew that this amounted to twenty-two millions of pounds weight, they must conclude that it was used by the poor as well as the rich; for though the Eastern States used a great deal of molasses, it was not the case in the Middle, Southern, and Western States; all classes of citizens in those States used sugar. The voting for it in any other shape. It was doing now what would be done hereafter, if now omitted. There was nothing informal in it. He saw no reason which could be urged for one taking place, which would not equally hold with respect to the other.

Mr. W. SMITH did not think it was the same thing to vote on the proposition in its present state as voting upon it in a bill. He thought, in the beginning of a business, members should have it in their power to vote upon the resolutions separately; otherwise the sense of members could not be known upon both parts of the resolution, as the question would first be taken on the amendment, and then upon the whole together. He was sorry the Chairman had thought proper to tolerate so unfair a practice. He hoped, however, gentlemen would vote against this proposition at present; though, if it were brought forward separately, he should not object to vote for it.

Mr. SWANWICK thought that those gentlemen who separated the articles of sugar and molasses, would wish to defeat the object; thus it was with

the gentleman last up. This was introduced with a view of securing the collection. Mr. S. said he had before stated the injury the United States might sustain in case of a failure of pay from the imported, and need not repeat that he objected *in toto* to the tax.

Mr. BUCK asked if, when on the question on the resolution, (if adopted,) a separate vote could be given? He was answered no. Then he would observe to the gentleman that, if it could not be separated, he hoped it would not be introduced, it having been said the duty on sugar would operate on the poor; now, he said, here was an article introduced with it that would operate worse than the other; therefore, he should oppose both, if put together, when, if separated, he should have voted for the tax on molasses alone, as sugar was a great means of sustenance and use.

Mr. REED said, he was not pleased with the amendment, or the manner in which it had been introduced; but he had no particular objection to an advance of the duty on molasses. He did not think it would much increase the price of that article, as it would operate more upon rum than upon molasses; he should not, therefore, oppose it.

The Chairman again remarked (in reference to what had fallen from Mr. W. SMITH) that the amendment was in order, though he did not think it the most fair way of introducing the subject.

Mr. GALLATIN conceived that he was the best judge of the fairness of his proceedings; and as the Chairman had declared the amendment to be in order, he expected a question would be taken upon it.

Mr. NICHOLAS begged leave to differ in opinion from the Chair in this instance, though he must own much deference was due to it: he thought the proceedings perfectly fair. Mr. N. would vote for this, in order to have the two connected; that gentleman could now vote against the addition of molasses, then he would have an opportunity to vote on sugar alone. He should wish it extended to both alike. The gentleman [Mr. BUCK] was mistaken in his application on this subject; it was not taxing the sustenance of the poor in one article more than another, for the sugar would most affect one part, yet molasses would as much affect another; he, therefore, hoped, if gentlemen wished fair and equal taxation, that this association would take place; this equalization would go to prevent any opposition to the tax, which would otherwise be hazarded.

Mr. BUCK was satisfied with this explanation; therefore, supposing gentlemen who supported the amendment would vote for both, according to this modification, he should go with them, if not he should oppose the amendment.

Mr. DAYTON (the Speaker) said, he did not rise to speak to the point of order; he considered that as already settled by the Chairman. Every member, he said, against laying any additional tax upon molasses, would, of course, vote against the amendment; and all those who had no objection to the tax, but who did not wish it to be thus introduced, of whom he found there was not a few, might join them, as, after the additional tax on

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sugar was agreed to, that on molasses might be again introduced.

Mr. S. SMITH said, he had some doubt before the last gentleman was up, of the propriety of tacking these two articles together, but now he had none. One part of the Union, he supposed, would be for voting out molasses; but his constituents would not like the tax on sugar, except it was accompanied with that on molasses; as a subject of sweetening, he thought they should both go together. Mr. S. said, he had another article of sweetening, which he wished also to add to the resolution: Great quantities of sugar-candy were manufactured in Holland and was sent all over Germany, which was used with tea and coffee, in the place of sugar. This article, he said, was finding its way among the Germans in this country. At present it only paid a duty of 10 per cent. ad valorem, which was a very inadequate duty, when compared with that paid on sugar. Mr. S. said, he was against going into the subject of indirect taxes, but he thought with the gentleman from Pennsylvania [Mr. GALLATIN] that it was his duty to make the resolution as good as he could. Nothing had been said to prove that we had not revenue enough for the present; but he would, however, move to add nine cents a pound upon sugar candy imported.

Mr. S. said, he agreed with the Secretary of the Treasury, that sugar was amongst the most proper articles upon which to lay an additional impost; but he wished for some permanent source of revenue, and not adopt the trifling modes proposed. Gentlemen talked of deceiving the people; he said they could not be deceived; they would know there were two parties in that House, the one for direct the other for indirect taxes. Those gentlemen who were opposed to direct taxes brought forward these articles in place of it. The people need not be told this; they saw it evidently enough.

Mr. HOLLAND said, though he was opposed to direct taxes, he was also on sugar and molasses; he saw all the disadvantages of some other gentlemen on taxing West India produce at this critical juncture; but if it must pass, he should think it his duty to endeavor to make it pass as unexceptionably as possible; however, he should oppose both, and though it affected his constituents differently from those of Vermont, yet he should not include them as necessarily connected. Mr. H. thought if these were opposed, there might be many articles more proper to lay a tax on; but he thought there was no necessity for any this session.

The question for adding one cent per gallon on molasses was then put and carried.

Mr. S. SMITH then moved that nine cents per pound be laid on sugar candy imported, observing that it was much used by the Dutch, and there being much sweetening in it, it should bear a proportionate duty.

Mr. W. SMITH wished the gentleman to be candid on the motive of his proposition.

Mr. S. SMITH answered, that his conduct with respect to the subject had always been fair and

unequivocal; he wished the whole propositions to be defeated, which he had before declared, but, to make it equal and consistent, he proposed the addition.

It was then put and carried.

The question was put on the whole resolution, as amended, and carried—yeas 52.

The resolution to add two cents per pound upon Bohea tea then came under consideration.

Mr. HARPER thought there was so much danger and so little profit from a duty on this article, that it had better be objected to. The duty on tea, he said, was already high; the consumption had not increased, but decreased, and, being light of carriage, it would endanger smuggling. Besides, the proposed duty would not put more than \$15,000 into the revenue, which was not worth hazarding a practice so injurious to other articles for.

Mr. GALLATIN said, he also was against agreeing to this proposition; but he could inform the Committee that this increase of duty was intended to prevent smuggling, and not to increase it. It was believed that the highest priced teas were sometimes entered as Bohea, on account of the lowness of the duty, and this increase was intended to prevent the practice in future.

Mr. HARPER said, he was not likely to know that it was not the intention of the Committee to raise the revenue, but to prevent smuggling, by this proposed advance.

Mr. W. SMITH said, it was thought the proposed advance on Bohea tea would raise \$30,000. His colleague was mistaken when he said the consumption of this article was decreased; it was increased. The objection to this proposition was, that it would be too great an advance upon this sort of tea. The Committee would judge of the propriety of the tax. He thought the addition would not be much felt.

Mr. HARPER acknowledged his mistake with respect to the decrease of the consumption of Bohea tea. The motion was put and carried.

The next resolution which came under consideration was that for laying an additional duty of two and a half per cent. upon unstained and unprinted cotton goods.

Mr. HARPER moved to strike out that part of the resolution which related to cotton goods, and to introduce all the articles included under the 10 per cent. class of goods imported into the United States. He had heard no reason, he said, why this particular article should have been singled out from the rest of the 10 per cent. class; the articles contained in this class were very numerous, and of general consumption, and would bear an addition as well as this. If the whole class were advanced to 12 1-2 per cent., they would produce \$250,000. If there was any particular reason for selecting the article of unstained cotton goods, in particular, he wished to be informed of it.

Mr. HENDERSON said, the Secretary of the Treasury had reported velvets and velveteens along with unstained cotton goods, as fit articles for additional tax, and he wished to know why the Committee of Ways and Means had omitted them in their report.

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Mr. HARPER said there were many other articles more bulky, and consequently less liable to be smuggled, and upon which it would be equally proper to lay an advance of duty, viz: woollens of all kinds. They were included in the unenumerated articles; and though the coarser kind of the woollens were worn by the poorer classes of the community, yet the fine woollens were worn by the rich, and those who would not scruple to pay the additional duty.

[Mr. H. read over the articles contained in the 10 per cent. class.] Respecting gauzes and lawns, and many other articles of the kind, he could see no reason why they should not be raised; they were light in proportion to their value, and therefore not easily smuggled. Satins were as necessary to be selected as cottons. Indeed, he saw not why the whole class could not be raised at least one and a half per cent.

Mr. W. SMITH thought the motion to strike out all the words except "all," and by that means displacing one article, with an intention to insert fifty or sixty, was out of order. He wished the question on cotton goods first to be decided, and then the rest might be introduced.

Mr. DAYTON (the Speaker) declared the motion to be in order.

Mr. NICHOLAS was of opinion the motion was in order; but he did not wish to see such a measure adopted. Upon one ground he thought it unsafe. The gentleman from South Carolina, he believed, had no practical knowledge on the subject. The Secretary of the Treasury, who doubtless had the best information, was against the measure. Was it not, he asked, a serious thing to put our trade in such a situation as to encourage smuggling? He believed it was; for the thing could not be undone by taking off the duty which occasioned it; as, when the habit of smuggling was once introduced, the business would be continued for a much less temptation than it took to produce it.

Mr. N. said, he voted with the Committee on the additional duty agreed to be laid on sugar and molasses; because he thought the gentleman who had gone into inquiries on that subject had rather reckoned too high, when they declared no further revenue would be wanted till the year 1801; but he thought they had now provided means to supply any deficiency which might take place. Having done this, any new measure which was proposed must be looked upon as a provision for wants of the Government after the year 1801. He thought it, therefore, improper to extend indirect taxes, on a supposition that they would be wanted on the ground of supporting the expenses of Government.

The gentleman from New Jersey [Mr. DAYTON] seemed to doubt whether he was in earnest when he had stated the expense of collecting an indirect tax as far greater than that which would attend the collecting of a direct tax. He was serious, and that gentleman would find his assertion to be well founded. There was this particular quality in indirect taxes: every addition made to them

cost as much as the original tax, the per centage was the same; but the expensiveness of this species of tax to the people arose from paying the merchants for twice collecting and twice insuring the duties. And it would be found, if these sort of taxes were laid for fifty years, the yearly expense would be the same. On the other hand, they were told by the Secretary of the Treasury that 15 per cent. would be the whole of the first expense in laying and collecting a direct tax. Another thing: the revenue coming from foreign quarters was insecure. It was acknowledged on all hands there was the greatest probability of very considerable defalcations in the revenue. Many gentlemen, indeed, seemed willing to originate the plan of a direct tax; but the valuation of property, and settling the necessary regulations respecting the business, would be incurred equally for collecting a small sum with that of a large one. And to expend two or three thousand dollars in commencing the business, and still go on increasing the system of indirect taxes, which cost the people at least 30 per cent., would be bad policy. If there was propriety in originating a plan for direct taxes for the security of the revenues of the United States, they ought not to stop where they were. Was it not right, he asked, to stop the progress of indirect taxes, in order to make the expense of laying a direct tax lighter? If all the expense lay in the originating of a plan, it would be right to draw as much from that source as was wanted. The difference of expense betwixt the two plans would not be less, he said, than 25 per cent.

Mr. N. added, that he had no hesitation in his own mind to say that the best mode of supporting the revenue of the United States was by a direct tax; and, from the uncertainty of collecting the present revenue, they could have no doubt about originating the system, and if they went into the organization of the business, the expense would be incurred, and, after having incurred it, it would be well to raise some considerable sum from that source.

Mr. SWANWICK said, the gentleman from South Carolina had calculated that, by advancing this 10 per cent. class of goods to 12 1-2 per cent., \$250,000 would be raised. In this calculation, he took for granted that our importations in future would be equal to what they had been in time past; whilst it must be known that the importations of last year were uncommonly large, and that the embarrassments of commerce must decrease the future importations; and, if so, instead of affording additional revenue, it would probably decrease our present considerably.

Mr. S. SMITH said he saw no good cause why the whole class of 10 per cent. goods should not be advanced as well as unstained and unprinted cotton goods. Indeed, if he had excepted any, it would have been those very articles, as he understood there was a very considerable manufactory for printing of cotton goods in this country, the proprietors of which made use of this cotton in their business. In order that our manufacturers might enter into competition with the manufacturers of

foreign countries, it would be more proper to reduce the present duty than to advance it.

Mr. WILLIAMS was of the same opinion, as it was proper to encourage our manufacturers as much as possible. How the gentleman from Virginia could say the expense would be less in laying and collecting a direct tax than adding to the indirect taxes, he was at a loss to learn, since the same officers who collected the present tax would collect the additional duty, and all the expense would be merely the per centage to the collectors; besides, it was an optional tax, and therefore judicious. The poorer classes in this country, before the war, made themselves a coarse woollen cloth; and if they were to do so again, he believed it would be a considerable saving to the country, as out of every twenty shillings sent out of the country to purchase manufactures, twelve shillings of it were wholly lost to the United States.

Mr. W. SMITH hoped this amendment would not be agreed to, as he trusted it was not the intention of the House at present to go into an extensive increase of the impost duties. They had directed the Secretary of the Treasury to report a system for newly arranging those duties at the next session. It might be well, therefore, to raise from two to three hundred thousand dollars to supply any deficiencies which may take place for the current year, but not to go any farther. [Mr. S. here read the instructions which have been given to the Secretary of the Treasury on the subject, together with his letter.] He said they had better disagree to the increase on the cotton goods than to adopt the amendment, as they had not sufficient information before them to warrant such a law.

Mr. GALLATIN said, it had been repeatedly asked, and no answer had been given to the question, why this species of cotton goods had been selected for an additional duty? The reason was, the cheapness of the article—it was lower than linen; there were great importations of it from the East Indies, and it was supposed that an additional duty on that article would be better borne than upon any other. It might be said there should be a protecting duty with respect to calico printers in this country; how far this would be proper he could not say at present. He was against the amendment, because it extended to too great a variety of articles; but at the same time he should not agree to tax these cotton goods alone. If the gentleman from South Carolina had taken velvets, velverets, satins, silks, and a few other articles, he would have voted with him; not because he thought either was at present necessary, but because, if it was right to increase the duty upon one, it was right to increase it also upon the other. At present, he should vote against the amendment.

The question on the amendment was put and negatived—48 to 27.

Mr. W. SMITH said, before the question was taken, he wished to lay before the House a printed letter which he had received on the subject of laying an additional duty on cotton.

It was declared to be unnecessary to read it, as it had been sent to every member of the House.

Mr. HENDERSON moved that velvets and velveteens might be added to cotton goods, as was reported by the Secretary of the Treasury.

Mr. S. SMITH said, gentlemen were mistaken if they thought of securing a duty upon articles of this name, as there were a hundred different names for them, which would be used in order to evade the duty.

The question was put and negatived, there being only 25 votes in favor of it.

Mr. HARPER moved to add satins and other wrought silks, which was negatived—35 to 30.

The question on the original resolution was then put and carried—42 to 38.

Mr. HARPER then proposed that an additional duty of five cents per bushel should be laid upon all salt imported in the United States. [Mr. H. read the letter of the Secretary, wherein he mentions salt as being at a much lower rate of duty than in other countries, and that no tax laid upon it could be evaded, from its necessity and bulk.] Mr. H. added, as, in his opinion, satisfactory answers had been given to the objections which had been urged against this tax, it was not necessary to say more on the subject.

Mr. GALLATIN said the arguments of the Secretary of the Treasury were excellent fiscal arguments, and went to say, "provided we can get money, no matter how." He says salt cannot be smuggled; that we know: whether the duty was increased, or remain as it was, the people must consume the same. This was true, and the same arguments might be used for taxing the light or the water. Of all the necessities of life, a duty was most easily collected upon salt; and this was the reason which had induced other countries to tax it so heavily; and yet this was used as an argument for increasing the duty here; but he was not one of those who felt any consolation, upon such an increase of duty, that there were other countries where the duty was yet higher.

Mr. G. said, as to any satisfactory answers which had been given to the objections to this tax, he had not heard them; he believed they had not been answered at all; except, indeed, sullen silence might be deemed satisfactory answers; if it were, they had indeed been answered satisfactorily.

Mr. G. here repeated the objections to the tax which he had made on a former occasion, viz: that it would operate as a poll-tax; that it would fall partially on some districts of country, and upon some classes of citizens more than others. He said salt in that part of the country from which he came was already upwards of four dollars a bushel, and that it would be therefore oppressive to increase the evil, by adding fresh duties upon it.

Mr. NICHOLAS said a tax on salt was equally objectionable, whether it was considered as a poll-tax, or as a tax upon agriculture. As a poll-tax, every one would see the injustice of charging all men alike with a tax, without respect to their ability to pay it; as a tax upon agriculture, he was able to say something from experience. He was willing to give all the authority to the opi-

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Indirect Taxes.

[H. OF R.]

nion of the Secretary of the Treasury which he could wish, but he could not yield his opinion to him. He knew that agriculture was at present very much depressed by the high price of salt; he had himself refrained from the use of it, by its dearth, though he believed his cattle had been the worse for it. The poorer class of citizens in the part of the country from which he came were generally owners of cattle, and employed themselves in taking care of them. These men found it at present as much they could do to make a comfortable living, and any additional tax on salt would be very ill received by them. He was satisfied that it was a tax which would operate with great inequality; it was a tax upon one kind of employment—upon an employment which was generally pursued by the poorer classes, and consequently least able to pay it. It might be said, five cents a bushel was a trifle; but he said he objected to it from the principle of taking money where it could be got, as, if five cents were now to be added, the same argument would hold for adding another and another five on a future day.

Mr. HOLLAND was opposed to the amendment; he said no article which could be mentioned would bear a greater augmentation than salt; indeed the whole revenue of the United States might be raised from it, because it must be used by every person; but that was no reason why the whole burden should be laid on it. In North Carolina, Mr. H. said, it was four dollars per bushel, which was sufficiently high without adding to the price, and was always a cash article, and difficult to be had for that. It being an article of absolute necessity, the rich would not pay more, if so much, as the poor.

Mr. RUTHERFORD said, he was against this tax for two reasons; the first was on account of its inequality, and the next on account of its odiousness. A tax on salt, he said, was almost like taxing the common air. Farmers were obliged to use large quantities of it for their stock; it rendered them docile and easy to be managed. Indeed it could not be done without; a person was nothing without salt. The price at present was enormous on the frontier, and this duty would add prodigiously to it; for this reason he should give it his flat opposition.

Mr. FINDLEY said, because salt was necessary, and because it could be smuggled, would not surely be sufficient arguments for increasing the duty upon it. The law of reason, he said, was the law of justice. Mr. F. gave an account of the progress of this tax. His colleague [Mr. GALLATIN] must have been mistaken as to the price which this article bore in the Western country. He had himself lately paid six guineas for six bushels of salt. Indeed this was considered as the greatest inconvenience in that part of the country, and they could not at present be relieved from it. Providence, who generally bestowed the necessities of life in a very general manner, had not provided them with salt. And shall we, for this reason, monopolize a revenue upon it? For the same reason would hold good for paying the whole upon it as a part. He trusted they would

not be so unjust to the people of that country.

Mr. HARPER said, after all the time which had been taken up in discussing this subject, he would not occupy the attention of the Committee longer than while he made one or two remarks.

The gentleman from Pennsylvania [Mr. GALLATIN] had said that no answer had been given to his objections against an additional tax on salt. He should not enter into a dispute with that gentleman upon what might be deemed an answer; but he believed many members of that House would remember that an answer was given, and probably they might also think it a satisfactory one; at least it was so to one person. The objections brought against this tax would be well-founded, if the whole revenue was proposed to be raised from it; or if it were intended as a substitute for a land tax, or any other great object; if two or three millions were wanted from it, then it might be objected to upon good ground; but when one hundred thousand dollars only were proposed to be drawn from this source, he did not think the objections would hold. Admitting, said Mr. H., that there was some inequality in the operation of this tax, those persons upon whom it fell heaviest were exonerated from many other taxes which other parts of the country had to pay. They had, for instance, just agreed to increase the duty upon a certain species of cotton goods, of which they would not purchase a single yard. The present revenue was six millions four hundred thousand dollars, of which salt pays near three hundred thousand dollars. The people on the frontier, who pay for salt, are in a great measure exempt from other articles taxed; they purchased neither foreign wines nor spirits, high priced dresses nor furniture; all they wanted was corduroys, &c., which was very unfrequent. If five cents per bushel was laid on salt, those persons would have about a dollar a year more to pay, and nine-tenths not half a dollar. What could be more easy? Indeed, except the people were told of the duty they would not know it, as its effects would be so trifling.

With respect to the price of salt at Fort Pitt, as a gentleman had observed, it might be high, but was this occasioned by a duty? No, but by the situation of the country. Ought they not, then, he asked, to devise some species of tax by which to draw some part of the revenue from the inhabitants of the back country? He thought so far from this being wrong, that justice required it. This subject did not address the understanding, but the sensibility of the House, or perhaps the sensibility of those out of the House.

The objections against the tax which had been urged, he thought, ought not to have any weight, since it would operate with the greatest equality upon the whole, and there would be safety, propriety, and justice, in making the augmentation in question. Suppose two cents were put, instead of five; this would raise a good sum, and be very easy.

Mr. S. SMITH moved that the Committee rise; which was negatived—there being only twenty-five in favor of it.

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Additional Revenue—Naval Appropriation.

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Mr. W. SMITH said the question had best be taken on blank cents, then five, four, or any number of cents could afterwards be added.

The question was then put, and lost—yeas 41, nays 48.

A motion was then made for the Committee to rise and report the resolutions.

Mr. HARPER wished the Committee to have leave to sit again, as he wished to call up one other of the resolutions which had been referred to this Committee; he meant that respecting an additional duty on stamps.

Mr. HENDERSON also said he wished to take the sense of the Committee upon several other articles which had been referred to them, but promised he would not occupy much time in doing it.

Mr. NICHOLAS said he hoped the Committee would not sit again, as the session was so near its close.

Mr. BUCK said much time had been spent on the subject, and he hoped no further delay would be made, as it might go to defeat the bill altogether.

On the question for the Committee sitting again, there were yeas 33, nays 48.

SATURDAY, February 18.

An engrossed bill allowing a drawback on distilled spirits exported in vessels less than thirty tons, by the Mississippi, was read the third time, and passed.

On motion of Mr. NICHOLAS, it was

Resolved, That, during the remainder of the session, it be a standing order of the day, that a call of the House shall be had, as soon as the SPEAKER takes the Chair, at the hour to which the House stands adjourned: provided, that when a quorum appears, the SPEAKER be authorized to suspend the call.

Mr. SITGREAVES called up the order of the day on the bill in addition to the act to provide for mitigating or remitting forfeitures or penalties, in certain cases, under the revenue laws. His object was to move its recommitment, in order to amend the report; which was accordingly done, and the bill was recommitted to Messrs. SITGREAVES, S. SMITH, and GRISWOLD.

Mr. GALLATIN reported a bill for the grant of certain lands to John C. Symmes and his associates. Referred to a Committee of the Whole on Monday.

ADDITIONAL REVENUE.

The House then took up the unfinished business of yesterday, viz: the report of the Committee of the Whole on further revenue.

The amendments were read, and that for laying an additional half cent on brown sugar being the first taken up,

Mr. HARPER moved to strike out the word "half," and insert "one" cent. His reason for not proposing it at an earlier period, was, that he had supposed the duty on more articles would have been augmented: that not being the case, it was important

that the duty on brown sugar and molasses should be further increased, to provide for the service of the present and the deficiency of the last year; the addition proposed might be estimated at two hundred thousand dollars. Admitting that the revenue of 1796 would be more than that of 1795, with all the savings which could be made, there would still be a deficiency; they ought not, however, to depend on savings, and be satisfied with just enough. Some gentlemen had said that a revenue from commerce was a very precarious foundation to build on; at that time they agreed in the necessity for great increase to our revenue, to meet our demands, now they said little or no addition, with all the savings which might be made, was equivalent to our wants. How their opinion came so changed, Mr. H. could not conceive. The truth was, their former opinion was just, as it respected our wants, and that being the case, and not being willing to resort to any other, a larger sum than two hundred thousand dollars ought to be raised from this, which, with all the savings, he presumed, would be but sufficient. Gentlemen now tell us there is not the least prospect of a land tax: before, when they had hope, a tax on commerce could not be at all relied on. Those gentlemen's former arguments, and a knowledge of the great want of revenue, had almost prevailed on him to adopt the idea of a land tax; but now, after two or three weeks, seeing the impracticability of that mode, they had abandoned it, and say, We have revenue enough, with the requisite savings! Remaining under a forcible knowledge of our wants, and the precarious state of our affairs, Mr. H. hoped they would not rest with a bare sufficiency, but guard against unforeseen dangers and accidents, by adopting the resolution.

Mr. DENT said, that as the House had agreed to the report of the Committee of the Whole, no alteration could be made without a recommitment. [On Mr. HARPER's application to the Chair, the SPEAKER read the rule, that no addition could take place in the House, and observed, that the gentleman might move it when the bill was brought in.] He therefore withdrew his motion.

The resolution, as reported, then passed; also, that for laying one cent per gallon on molasses, and nine cents per pound on sugar candy.

There was a division on the question for laying an additional duty of two-and-a-half per cent. on cotton goods—yeas 46, nays 28.

The duty of two cents per pound on bohea tea passed without a division.

MESSRS. HARPER, DAVENPORT, and HENDERSON, were appointed a committee to prepare a bill pursuant to the resolutions.

NAVAL APPROPRIATION.

The House then resolved itself into a Committee of the Whole on the bill granting an appropriation for the finishing the three frigates, and also upon the bill repealing that part of the act which provided for the officering and manning the frigates, both having been committed to the same Committee of the Whole. That for re-

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pealing a part of the former law came first under consideration.

Mr. HARRISON wished the Committee to rise, and that the bill may be sent to the Senate.

Mr. GALLATIN moved to add the words "or any other acts," so as to read "so much of an act entitled an act to provide a Naval Armament, or any other acts which relate to the officering," &c., which was carried.

Mr. W. SMITH said he could not abandon the idea of our sometime becoming a Naval Power; he very much disliked the repealing this act; in order, however, to make the bill more palatable, and to remove some of the embarrassments which the Senate would otherwise have to encounter, he would move to substitute, instead of the word "repeal," the words "suspend for — years."

Mr. CORT thought the very beginning of the frigates a wild notion, and hoped the most distant idea of manning them would not enter gentlemen's minds; he should therefore oppose the motion.

Mr. SWANWICK thought, if the last gentleman's ideas were just, that it was so wild, whimsical, and visionary a speculation, there could be no danger from its suspension; because another Legislature would doubtless see the folly of the project; there was no danger of their being struck with the notion. To restrain the object of these vessels would be only holding up this country to ridicule. Let us not, said he, dictate to future Legislatures, but give them power, if their finances should allow it, and they are willing, to use the ships as they please. Why should we hamper them with our forced restrictions? In private life men do not like to be under the forced restrictions of others, and it could not be pleasant for us to assume a power to direct our successors. He hoped it would so be left as not to intrude on their privilege.

Mr. NICHOLAS said it was not the duty of members in that House to consider what other men in future times may do, but to do themselves what was right. He could not conceive how a gentleman who saw it wrong now, could believe he could think it right two or three years hence. This was a contradiction to gentlemen's own actions. If it was to be left to the test of experience, it would be best to leave it to a future Legislature. The three branches were always competent to any object, and, if they saw right, could revise it. But it seemed as if the gentleman wished to leave it to the power of one or two branches only: this, he thought, ought never to be done. What we now do, said he, is no more binding on our successors than acts of our predecessors on us. He hoped it would rest as in the bill.

Mr. VENABLE said, it seemed the gentleman who moved the amendment did not think it necessary the ships should now be manned. The operation of the amendment appeared to put it in the power of one branch of the Legislature, at a future day, to man the ships, and send them to sea. He was surprised at the changeableness of the gentleman who moved and favored the equipment. When a Naval Armament was first proposed, it was ob-

jected to, as looking like forming a Naval Establishment. They then told us it was expressly to repel the encroachments of the Algerines; and that, as soon as peace was obtained with that Power, the building of them was to stop. Now they come forward, and avow a desire to have a Naval Establishment. Thus originate evils which if not stopped early, would spread and become dangerous. The only fair argument they have on the subject is, that a Navy is now become necessary. Certain it is, that, if they intend to have a Naval Establishment, to protect our commerce and repel our injuries, three frigates will be very incompetent to the object. He should not object to finishing them, and only because so much had been expended on them already, but should ever oppose fitting them for sea.

Mr. SWANWICK asked the gentleman what security there was in a peace with Algiers? Could he say we were at peace with them now? Certainly we are in a worse situation with that Power now than then; we are parting with our cash, (which makes it such a scarce article,) and yet we have no benefit. Now it is said it is altogether a vision—a fancy or a dream. Then gentlemen get up and ask what we are to do with three frigates? He would answer, that so far as they went, they gave stability and protection to our commerce. True, they were not thirty frigates, but he believed, few as they were, they would save more than five times what they cost in only one year. The richest ships we have are now taken and robbed by every picaroon and pirate infesting the seas, because we have no security; and he was surprised it was not worse. He had no doubt but it would be an emolument; it would be a protection to the great revenue we enjoy. That very trade, he said, which was subject to spoliation from such petty robbers, paid into the revenue five or six millions of duty annually. If this was still permitted to be encroached on, it was an error, and it would soon be seen; and this was by a people called "free and enlightened!" He had no doubt they would soon be enlightened enough to see they had done wrong. If gentlemen are against finishing these frigates, why do they not come forward and declare it? Let us sell them, said he, at public auction. What will be the effect if we have it told at our wharves that we object to man them, because we have peace with Algiers? He hoped they would be manned, or else have tacked to the bill, that, when finished, they were to be sold for East Indiamen or something. If that were gentlemen's wish, this was the time to come forward, and say so, and let it be put in the bill. He would ask, Was there anything in the name of Government, if it operated in this manner? It was extraordinary conduct, indeed.

Gentlemen say they will not vote to finish these frigates, except the repeal for manning is included. When it goes up to the Senate, may they not say they will not vote to finish, except it be to man them? But, Mr. S. said, he supposed gentlemen depended upon negotiation, if anything was wrong. What were the consequences of our late negotiation? We have two things before us—Treaty

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or ships. As for Treaty, we have seen our money sent across the Atlantic, and scattered a thousand ways: this was throwing it into the ocean. He had heard of a Doge of Venice throwing a ring into the sea to marry it: it seemed this money was gone for the same purpose, and its use would be no better than the Doge's ring. He thought the most complete Treaty was, power to resist aggression. This business of negotiation is very unprofitable. You may obtain fair promises from foreign Ministers, but very poor redress if any. The merchant may then go home and say he has been robbed, but can obtain no redress from any nation. Part of his property is in the West Indies, in the hands of a people without of control of law. This, indeed, is the situation of the whole French Republic, at present, in that country. Yesterday, said Mr. S., I heard you voting a tax on sugar: Where does that article come from? From the French West India Colonies mostly. You go on laying a duty on that article, which even one frigate would protect from spoliation, and yet refuse to appropriate that very duty towards its protection. He did not think any French or English ship of war would attack our frigates while at peace, but his wish was to protect the commerce from those drawbacks. As he read in the Constitution that Congress had the power to protect commerce, and as he found gentlemen voting millions for the Military Establishment, he should hope the object of Naval protection would obtain. He agreed with the amendment, as it was better to suspend than repeal, as the power of manning them would then remain with a future Congress.

The question on the amendment was put and lost—ayes 30, noes 51.

Mr. HARRISON moved for the Committee to rise and report the bill without amendments.

Mr. HARTLEY hoped it would not. As the frigates would not be finished before next session, if it was proper to man them or suspend it, that House would be best able to judge.

Mr. PARKER hoped the Committee would not rise, but that the other bill may be taken up, that they may go hand in hand.

Mr. NICHOLAS said, it seemed that gentlemen were making a new business of this. At the time it was brought forward, gentlemen voted in favor of it, because the law was to be repealed. He voted to separate the bills, because he conceived it would not be right to say to the Senate, You shall do two things together, or neither. He hoped the Committee would rise, that the House may not have such power over the business as to keep it back. If the other bill pass the Senate, said he, we can take up this, and pass it in a short time.

Mr. PARKER thought this a most extraordinary procedure, to say we will not pass the appropriation bill till we know the Senate have agreed to that for repealing. He thought the Senate had as great a right to exercise their discretion as that House. He never expected to have heard such expressions. This was holding out a *dictum* for their conduct: this he thought neither fair nor proper.

Mr. VENABLE thought the bills were connected.

He wished to vote merely for finishing the frigates. He hoped the Committee would not rise, but that it might be so amended as to add the other bill to it. When he voted for the appropriation, he said, he voted for it only in such a manner as should be reconcilable with his judgment. If the gentleman would waive his motion, and the House would so connect it, he should be gratified.

Mr. HARRISON said, as the last gentleman's ideas were fully to his purpose, he should withdraw his motion.

On motion being made for connecting the bills—

Mr. BUCK hoped it would not prevail. The only reason he saw to object, (and he thought that very forcible,) was, that it discovered a jealousy in that House of another branch of the Government, which he thought very unjustifiable. He had voted for the repeal, but should not vote for the appropriation. He thought they ought to act for themselves, without reference to the other branch. Any member may vote which way he pleased, but to say he would not vote for one without they go to the other, was unfair. He could see no justice in such a mistrust from this branch of the Legislature. Suppose, he said, the bills go to the Senate separately, they may concur in the appropriation, and reject the repeal. Even in that situation, were it to be left, the Executive could not man the frigates, unless they could obtain further appropriations—to obstruct which would be preferable, and would put it out of the power of the Senate to embarrass the House.

Mr. VENABLE said his vote was given without any relation whatever to the Senate. He thought any act passed by this House could not, when sent up to the Senate, be termed disrespectful, for each branch had a right to act for themselves. He was surprised to hear the gentleman last up say he should not vote this appropriation; for he had heard him say, on a former occasion, that he would vote an appropriation for any Treaty, law, or whatever should exist to call for it. Mr. V. confessed himself to be of a very different opinion; for he always thought the House had a discretionary power to grant it or not, but that gentleman had long said it had none.

Mr. BUCK said, as his doctrines had been called in question, he must beg indulgence to explain. He never said that the House had not a right to judge on the propriety of appropriation in an existing law. He conceived a Treaty quite another thing. The President and Senate have a Constitutional power to make a Treaty; in that, he said, he did advocate that that House had no right to withhold appropriations; but in laws, where the power of making appropriations rests partly in that House, they had a right to grant or withhold. This, he said, he had always held.

Mr. NICHOLAS said, this appeared to him a very unreasonable clamor in behalf of the Senate. The gentleman last up seemed very careful not to awaken the jealousy of the Senate. How could he know what part would awaken that idea of disrespect? He had formed his mind to vote on the subject, and surely every member might do so, without a fear of showing disrespect to another

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branch. The gentleman had said that this House may refuse to appropriate for a law. Now, suppose the Senate refuse to repeal without we appropriate, we are then forced to choose one of two evils. Very often, Mr. N. said, the House were obliged to appropriate for a law, it may be, so far executed that they could not refuse. Suppose the PRESIDENT should, after this, appoint officers to enlist men for the frigates, how could the House refuse to pay them? While a law existed to man these ships, it would be difficult to prevent it: it would enable those who were friendly to the measure to carry it into effect. He hoped, therefore, the House would not run the risk by leaving it open to such possible intrusion.

Mr. S. SMITH thought this was a very unfair way of doing business, but he had been used to such things. He thought this form of *tacking* was very improper and unfair. It had been observed that we were the most free and enlightened people, but he thought those who advocated these measures proved the very contrary.

Mr. SWANWICK said, it appeared to him a kind of Legislative stratagem. The whole intention of the business could be easily discovered. If there was nothing improper, why should they fear to trust the Senate with it? Having the yeas and nays on both bills, gentlemen could not easily excuse them for voting for the repeal, as it would go out into the country that many had voted contrary to their arguments. Thus we are forced to vote against our own opinion, or not have the frigates finished. He could plainly see that gentlemen meant to defeat the object, and, he thought, in a very unfair way.

Mr. W. LYMAN spoke much of the impolicy and impropriety of the measures of those gentlemen who supported naval preparations. Some time back, he said, those very gentlemen were advising us to cultivate our land, and not regard commerce—it was a broken reed to depend on; but now, they want to put the nation to an enormous expense to protect that commerce they thought so lightly of! The frigates would cost more than double the money which was at first estimated: this would be a disgrace to any nation. The whole process of the business had been bad, and he had no doubt but the estimate now before the House would be found deficient. Though he thought a small Navy would be useful, yet, until he saw its process conducted more fairly, and with more discretion, he should not vote a shilling to it: for the waste of money which had been discovered in this, had given him a distaste to it.

A remark having fallen from Mr. L., on the constitutionality of this appropriation—

Mr. W. SMITH said, that, what the gentleman observed, only respected an Army. The Constitution says, an appropriation for the Army shall not be made for more than two years, but it said not a word about restricting a Navy; and it is certain that the framers of the Constitution had a view to a Navy, as in three different parts it makes mention of it. [Here Mr. S. read those parts from the Constitution.] The question was not whether to repeal the law or not, but whether the appro-

priation bill was to be *tacked* to the repeal. When before taken up, a majority voted for two bills, and they are accordingly reported, and now the two are to be united. This, said he, is directing the Senate to vote a certain way, because this House saw it right. This was a kind of coercion which would oblige them (if they support their independence, which they certainly will) to reject the repeal. This, he said, was a spirit which every gentleman in the House felt. He therefore hoped there would be two bills.

Mr. GALLATIN did not conceive this a question on the Constitution; it was not on the power of the House as to the subject of appropriation, but merely on connecting the two bills. He conceived it perfectly right and proper to connect them, because the subject of them was the same. It was not novel: appropriation and repeal had before been connected. Indeed, he thought it improper to hold the Senate in any consideration at all. He should not be guided by any apprehensions of what they would do. The gentleman last up had said, it was unfair to connect them, as it would oblige members who opposed one, to vote for both. Now, a majority will always decide, and those in the minority will always be affected. That gentleman would rather take a question on each; but Mr. G. said he would rather on both together. But both will not be material, more than in a certain degree. He further observed that a decision had been come to to keep the subjects apart. This, Mr. G. said, was only in order to give leave to the Committee to report one or two bills. But that could not now affect the decision. The House might now do as they pleased. He looked upon the first act of the law as rather explanatory of the other. A law passed last year for the equipment of the frigates. The first law expired as to the manning them. It is therefore only for fear the word "equipment" should be so construed as to mean "manning," that we wish a connexion of these bills.

He thought it more candid and fair, to have both the objects before the Senate at one time, than to separate them. If they think it an attack upon their privileges they would act consistently therewith.

Mr. WILLIAMS could not see where the difference was, whether the bills were apart or not. He was sorry any jealousy should be discovered towards another branch; if the amendment were to go to the Senate they had power to reject any part. The next Congress would take a view of the subject, and do what they thought right, as the frigates would not be fit to be manned till then.

Mr. BUCK again repeated his objections to uniting the bills.

Mr. N. SMITH thought there could be no good reasons for uniting the bills. There had not yet been any appropriation made, and the money was nearly expended; he thought the appropriation should be passed immediately, as he had no doubt but both Houses would ultimately unite in this object. If, therefore any money was to be appropriated, let it be done, and then if the House thought proper to agree to the repeal, it could be done, as no delay ought to be made.

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Naval Appropriation.

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The gentleman from Pennsylvania [Mr. GALLATIN] said the other day, that he would not, under any situation, vote the supply until he knew whether there was any intention to fit them for sea or not. This, Mr. S. thought the principal point; but except that gentleman, with others, thought the ships were to remain in the same situation as at present, it certainly was necessary to agree to the appropriations; this was voted on all hands, though some could not agree to go all lengths. He did not believe many could be found in the House who would wish them to remain and rot on the stocks; but for gentlemen to say they would not agree to grant the supply except the other part was repealed, he thought wrong. It was true, they had the power to withhold even appropriations for the PRESIDENT's salary, Senate, &c., but if such opposition was supported, Government could not long exist. That House had power over the Senate, and, *vice versa*, the Senate over that House—each had a right to think and do as they pleased, but it would be wrong in one to curtail the privilege of the other by an ill-timed opposition; this was merely to show a spleen which could not but be to the detriment and delay of business.

Mr. W. SMITH rose to answer some observations made by Mr. GALLATIN and Mr. VENABLE, and proceeded to show the impropriety of tacking the bills; he said it would produce insurmountable difficulties. He never could agree to this *tortus discordans* being sent up to the Senate.

Mr. VENABLE answered. The question was then put for tacking the two bills, and carried, ayes 41, nays 36.

The Committee then rose, and the House took up the amendments reported by the Committee of the Whole. Whereupon, the first amendment reported by the Committee of the Whole House, for adding a new section, to be the second section of the said bill, being read, in the words following, to wit:

"And be it further enacted, That the sum of — dollars be, and the same is hereby appropriated for the purpose of finishing the frigates now building, called the United States, Constitution, and Constellation; and that the same be paid out of the surplus of revenue and income, which may accrue to the end of the year one thousand seven hundred and ninety-seven, after satisfying the objects for which appropriations have been heretofore made."

Mr. W. SMITH said, as the question would first be taken on the amendment and then upon the resolution as amended, a member who wished to vote for the finishing of the frigates, but not for the repeal, would not have an opportunity of showing his sentiments by the yeas and nays. In order that members who thought with him might have an opportunity of showing their vote, he called for the previous question upon the proposition.

The SPEAKER declaring that this motion was not in order, Mr. W. SMITH called for the yeas and nays upon the amendment.

Mr. SITGREAVES said, rather than not obtain an appropriation for finishing the frigates, he should

vote in favor of the amendment, though he was of the same opinion with the gentleman from South Carolina [Mr. W. SMITH] as to the unfairness of the proceeding.

Mr. DENT was of the same opinion.

Mr. MUHLENBERG said, as the amendment stood annexed to the other bill, he should vote against it; though if the subject had continued in a separate bill, he should have voted in favor of it.

The question was then taken on the amendment, and decided in the affirmative, 59 to 25, as follows:

YEAS.—Theodorus Bailey, Abraham Baldwin, David Bard, Thomas Blount, Nathan Bryan, Dempsey Burges, Thomas Claiborne, John CLOPTON, Joshua Coit, Isaac Coles, William Cooper, Henry Dearborn, George Dent, William Findley, Jesse Franklin, Nathaniel Freeman, jr., Albert Gallatin, Ezekiel Gilbert, James Gillespie, Henry Glen, Christopher Greenup, Andrew Gregg, Carter B. Harrison, John Hathorn, Jonathan N. Havens, James Holland, Andrew Jackson, John Wilkes Kittera, George Leonard, Edward Livingston, Matthew Locke, Samuel Lyman, William Lyman, Samuel Maclay, Nathaniel Macon, James Madison, John Milledge, Andrew Moore, Anthony New, John Nicholas, Alexander D. Orr, John Page, John Patton, John Richards, Robert Rutherford, John S. Sherburne, Samuel Sitgreaves, Thompson J. Skinner, Jeremiah Smith, Israel Smith, Isaac Smith, Richard Sprigg, jun., Thomas Sprigg, Zephaniah Swift, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, John Williams, and Richard Winn.

NAYS.—Theophilus Bradbury, Daniel Buck, Samuel W. Dana, James Davenport, George Ege, Abiel Foster, Dwight Foster, Chauncey Goodrich, Roger Griswold, Robert Goodloe Harper, Thomas Hartley, John Heath, William Hindman, Francis Malbone, Frederick A. Muhlenberg, William Vans Murray, Josiah Parker, John Reed, Samuel Sewall, Nathaniel Smith, Samuel Smith, William Smith, John Swanwick, George Thatcher, and Peleg Wadsworth.

The bill was then recommitted to a Committee of the Whole in order to have the blank for the sum to be appropriated for finishing the vessels, inserted, and was filled with \$172,000.

Mr. GALLATIN reported a bill in addition to an act for making appropriations to satisfy certain demands on account of the late insurrection, and to increase the compensation to jurors and witnesses. Referred to a Committee of the Whole on Monday.

Mr. W. SMITH, from the Committee of Ways and Means, presented, according to order, a bill making appropriations to defray the expense of negotiations with Mediterranean Powers; which was read twice and committed.

The House went into a Committee of the Whole on the bill in addition to an act for recording and registering vessels, and to an act for enrolling vessels employed in fisheries, which bill was agreed to, and ordered to be read a third time on Monday.

MONDAY, February 20.

The bill for regulating the registering of ships and vessels, &c., was read the third time and passed.

As was also the bill for completing the frigates,

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Lands Northwest of the Ohio.

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and for repealing that part of the former act which related to the officering and manning the vessels.

LANDS NORTHWEST OF THE OHIO.

The House then resolved itself into a Committee of the Whole, on the report of a select committee on the propriety of making certain alterations in the law providing for the sale of certain lands Northwest of the river Ohio. The Committee recommended the adoption of a resolution to the following effect:

"Resolved, That the act entitled an act providing for the sale of lands of the United States in the Territory Northwest of the river Ohio, and above the mouth of Kentucky river, be so amended, as that only one-fifth of the purchase money for the same shall be required within thirty days, and that the rest be paid by four equal annual instalments."

A motion was made to strike out one-fifth and to leave it a blank, which was negatived.

Mr. VAN ALLEN next moved a provision for dividing the quarter township lots into lots of a mile square. This motion was supported by the mover, Messrs. WILLIAMS, HENDERSON, and FINLEY, on the ground of accommodating real settlers, because it appeared that the large lots would not sell, and because the land would be likely to be disposed of for a higher price if sold in lots purchasable by farmers and persons who bought with an intention of cultivating. It was opposed by Messrs. COOPER, NICHOLAS, and KITTEKA, on the idea that the land would never be purchased or settled, except through the medium of moneyed men; that they would first purchase the land in large lots, and then parcel it out to real settlers, and that though farmers gave a greater price for the land in this way, it would eventually be better for them, since the moneyed man would find himself interested in getting the whole of his tract settled as soon as possible, and thereby greatly enhance the value of the property; that except this plan was adopted settlers would choose here and there a lot of the best land, and the remainder would lie on hand.

The motion was put and negatived.

The original resolution then came under consideration. It was supported by Messrs. COOPER, NICHOLAS, and GALLATIN. It was urged that the additional time given for the payment would induce moneyed men to embark capital in the purchase of this land; that if it were not soon disposed of, persons who had no authority to do so would get possession of it, and there would be great difficulty in removing them; and that it was necessary to make the proposed amendment, in order that the terms might be as eligible as those held out by any of the States which had waste land to dispose of. It was opposed by Messrs. S. SMITH, COIT, HARPER, and VENABLE. It was said by them, that it was probable that nothing more would be received of the purchasers than the first deposit, if so long a credit was given; that it would create an host of enemies to Government; that when the time of payment came, instead of money, they should have petitions sent in for a prolonging of the time of payment; they would, therefore, rather prefer

a lowering of the price than an extension of credit.

The resolution was put and negatived, there being only 24 votes in favor of it.

Mr. GALLATIN then proposed that the public stock should be received in payment for the land at its full value. The scarcity of money at present, he said, had reduced the value of the public stock, and it would therefore afford an advantage to purchasers, and no disadvantage to the United States, since they could never expect to pay off their debt at less than the full value. If any foreigners who were in possession of the public stock of this country chose to convert it into land, it would be an easy way of paying off our debt. In this case the land would pay the debt immediately, and the money could not otherwise be appropriated. He, therefore, proposed a resolution as follows:

"Resolved, That the evidences of the Public Debt of the United States, shall be receivable in payment for all the lands that may be sold after the — day of — next; the six per cent. stock and Foreign Debt to be received at their nominal value; and the rate at which the other species of stock shall be received, to bear the same proportion to their respective market prices, as the nominal value of the six per cent. stock shall, at the time of payment, bear to its market price."

Mr. COIT was against this measure as reducing the land twenty per cent. in the price.

Mr. S. SMITH was in favor of the resolution, but wished it to extend to all money due for purchases already made, otherwise those persons would have reason to complain of being more hardly dealt with than others. This motion was seconded by Mr. HEATH. It was objected to by Messrs. NICHOLAS, W. SMITH, and G. JACKSON, as unreasonable, and what could not be expected; they had agreed to give the price for the land which had been bargained for, and having had a choice of the best of it, it was probable that they had made very advantageous purchases; and that it was probable, from the Public Debt being taken in payment at its full value, the land which might be sold in future would command a proportionably higher price.

The amendment was put and negatived, and then the resolution was put and carried.

The Committee then rose, and the House agreed to the amendment.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Messrs. NICHOLAS, N. SMITH, and BARD, do prepare and bring in the same.

MILITARY APPROPRIATIONS.

Mr. W. SMITH said, from the delay which had taken place with respect to the Military Establishment, they had been prevented from making the necessary appropriations for that object; as the session was drawing to a close, it would be necessary to follow the plan adopted last session. He therefore proposed a resolution to the following effect:

"Resolved, That a sum not exceeding ——— dol-

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lars be appropriated for the expenses of the Military Establishment for the year 1797."

This resolution was twice read, and the House immediately went into a Committee of the Whole upon it; reported it without amendment, and it was referred to the Committee of Ways and Means to report a bill.

FORTIFICATIONS.

On motion of Mr. W. LYMAN, the House resolved itself into a Committee of the Whole on the report of the committee appointed to inquire into the actual state of the fortifications of the ports and harbors of the United States, and to report whether any, and what, provision was necessary to be made on the subject.

The report having been read—

Mr. W. LYMAN, the chairman of the committee, said the committee had not reported a resolution, as they were uncertain whether it would be the wish of the House to do anything towards the completion of the works at New York. Perhaps it would be well to have read the account which accompanied the report of the works at New York, which they had received from the Board of Commissioners and the Engineer. [The Clerk here read the accounts, by which it appeared that the fortifications on Governor's Island would require \$30,968 to complete them; those on Bedloe's Island, \$60,000, and those on Oyster Island \$1,000; making a total of \$91,968.] Unless regard was had to New York, the \$23,394, reported as necessary, would be sufficient to finish some necessary buildings and complete certain works, indispensable to their defence and preservation.

Mr. W. SMITH said as no resolution had been produced, he would move one; he moved the following:

"Resolved, That the sum of ——— be appropriated for the purpose of fortifying the ports and harbors of the United States."

Mr. SMITH said, the representation of the State from whence he came had received a communication from the Legislature of the State, which they conceived it their duty to lay before the House, and which showed the necessity of fortifying the harbor of Charleston, more than anything which had been heretofore done. [He here read the communication which they had received.] The Governor wrote that the only fort they had was nearly carried away by the undermining of the sea, and, unless some repairs were soon-made, would be entirely swept away. Another fort had been projected, to be placed on Sullivan's Island, but the situation was not found to be a proper one, and the foundation only was laid. Shooter's Mark was the place contemplated as the proper situation for a fort to protect that harbor.

As they were upon the subject, he would observe that if it was their object to preserve the peace and neutrality of this country, it was necessary to have our seaports well fortified; whereas, at present, vessels of war which come into the port of Charleston, might violate our neutrality with impunity. And if, at any time, Government

should think it necessary to lay an embargo, they could not do it, except our harbors were better fortified than at present. Mr. S. thought, therefore, a liberal sum should be granted for this object. He should move that fifty thousand dollars be appropriated for this purpose.

Mr. DEARBORN wished to know, whether, in conformity to the act for that purpose, the island at Charleston, or the islands of Governor, Bedloe, and Oyster, at New York, had been ceded to the United States? He believed they were not. Money had been refused for fortifying the harbor of Boston, because she declined to cede the soil to the United States. He should suppose, therefore, before much more money was advanced to either of these places, it should be seen whether there were not other places equally entitled to assistance, and which had not yet received any. He saw no good reason why New York and Charleston should have large sums expended upon them, any more than Boston. He had no objection to fortifying our ports in the way proposed by law, though he did not understand that it was the wish of that House to fortify them in the same way as if we were at war. The State of New York could not have contemplated more extensive works, if we had been actually engaged in war. At Charleston, it seemed as if it were the intention to erect works, not only to keep off single vessels, but to defend themselves against any naval force. How far the committee might judge this necessary, he could not say; but, before they went on to expend any more money, he wished to know whether or not the cession had been made.

Mr. LIVINGSTON said, it appeared to be the opinion of the gentleman from Massachusetts last up, that nothing more should be done for the harbors of New York or Charleston, until cessions of the soil upon which the fortifications stand were made to the United States; but, to his mind, there appeared strong reasons why these cessions should not be made. The different States held them until they saw whether Congress would do anything for them. The State of New York held three islands, which they thought capable of defending the city. They were asked why they were not ceded? He would answer because Congress seemed inclined to do so little towards the erection of these works, not having contributed more than would place one-tenth part of the cannons necessary to defend them; and, if it were not for the exertions of that State itself, that city would be left defenceless. What, he asked, would be the situation of this place, if the islands had been ceded to the Continent, and the Continent should refuse or neglect to defend it? The State having given up the power, they could not provide a defence for themselves, but they and their posterity would be left perfectly defenceless. He therefore not only thought the State of New York had acted wisely, but that it would have been madness to have done otherwise; nor did he think it a sufficient reason for Congress to withhold its support, because that cession had not been made. The State of New York had done more, he said, than any other State in erecting fortifications;

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the State had expended a great deal more money than the Continent on this object. The business had been carried on by commissioners appointed by Congress, in conjunction with those appointed by the State, with the greatest harmony, and therefore no objection could now fairly be brought against the plan of the works. He therefore hoped that a city from whence so much of the revenue of the United States was drawn, would not be refused a sum towards the completion of her works, and that even a larger sum would be appropriated than had been mentioned.

Mr. DAYTON (the Speaker) said he was opposed to filling the blank with fifty thousand dollars. He believed that too much money had already been thrown away for the purpose of fortifying ports and harbors, and to very little advantage. As to the harbor of New York, which seemed to be one principal object of this expenditure, he should take the liberty of repeating what he had declared on the same occasion last session, that the city could not be protected from hostile invasions from the sea, by the works on the three islands in the bay. A single ship of war, taking advantage of a fair wind and tide, could pass them in proud defiance and lay the city under contribution. The Narrows were, he owned, well calculated for the erection of works to afford complete protection, but the expense would be great. He was not in favor of granting a shilling more than would be absolutely necessary to prevent their going to decay, until some judicious and skilful persons had been named to visit and inspect all the harbors of the United States, and report as well the proper places for forts, as the plan or scale, and expense of building. Congress should have before them the whole estimate in one view, and then decide to what extent they would go, and whether it would not be better to complete one fortification at a time, beginning with the most important, rather than to divide a sum amongst ten or fifteen, all of which would be in an unfinished state, and require annual appropriations to preserve them from falling into ruin, to which many were much exposed. As to West Point, the importance of which, to preserve a communication between the Eastern and Middle States in case of war, could not be questioned, it was provided for out of another fund under its appropriate head. No fortifications, therefore, but those of exposed posts, were contemplated, and from some representations which had been made it appeared that it would have been better to have thrown the money into the sea, than to have expended it in bringing together and piling up materials, which had in some instances served rather to choke up the channel than protect the places.

Mr. D. concluded with declaring, that he had also an objection arising from a neglect in some States to make a cession to the Union of the islands upon which they were called upon to erect fortifications at the general expense. This ought certainly to be done before the United States made any further appropriation, or at least it would be proper to except from the benefits of it such States as had not passed acts of cession. He should, at

any rate, vote against the motion for fifty thousand dollars.

Mr. WILLIAMS was sorry the gentleman should be against the resolution altogether. If the Committee would not consent to appropriate money to finish the works at New York, he trusted they would grant such a sum as should prevent them from going to ruin. All that had hitherto been appropriated, he said, would not build barracks sufficient for the soldiers lying in New York. That State, seeing Congress were not disposed to appropriate money for defending the city of New York, appropriated two hundred thousand dollars for building the fortifications in question and protecting their frontier. They had expended a great deal of money on these fortifications, which had been laid out by an engineer appointed by the United States, in conjunction with commissioners appointed by that State. It might be supposed, therefore, that they were not wholly useless.

But, said Mr. W., admitting the gentleman to be right, and that the Narrows was the only place for erecting a fortification for that port, ought they not to appropriate money for that purpose? Which was the proper time for doing this? Should it be done in a time of peace or war? He believed in peace; peace was the season to prepare for war. Besides, when they reflected that all the money which had been expended would be lost, if a sum was not appropriated either to finish or keep the works in repair, they certainly could not hesitate a moment.

Mr. W. said he was himself formerly of opinion that it would be ineffectual to fortify the islands in question; but he was now convinced that those fortifications would be a great protection to that city, which was of so great importance to the Union as to pay four-fifteenth of the whole revenue of the United States. He hoped, therefore, that \$50,000, at least, would be appropriated. The Secretary of the Treasury had reported \$23,394 as wanted, to put the forts already begun in such a situation as not to go to decay; it became them, therefore, to be careful that money was voted for the purpose.

Mr. SHERBURNE never conceived it was the intention of the United States to spend money in fortifying places which were not ceded to them. It would be the height of imprudence to do so; but it was quite otherwise with respect to those places which had ceded the spots upon which fortifications were erected, since they had given the power from themselves of doing the business, and therefore the United States were bound to do it for them, otherwise such individual States put themselves in a worse situation than they were in before the cession. It was understood, at the time the law was passed, that the United States should completely fortify those places which made cessions to them; therefore, though he should be against doing anything for those ports which had not made the necessary cession, he should be for supporting those who had.

Mr. HAVENS said, the observations of the gentleman from New Jersey [Mr. DAYTON] last year, which he had now repeated, went to show that

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the fortifications now erecting on the New York islands would be of no kind of use, or very little. The propriety of the observation would depend upon the force brought against that city. They might not be sufficient to defend the city against a large fleet, but he believed they would be useful in defending it against three, four, five, or six vessels of war; for he did not believe the largest force of these could easily lay the city under contribution, when these fortifications were connected and manned, and in a proper state of defence. When they took into consideration the business of fortification, they must calculate the expense and the force likely to come against the forts to be erected. The gentleman from New Jersey had said, the only place for security was the Narrows; but to build a suitable fortification there, would cost from two to three millions of dollars, which was a sum of money he believed which would not be granted, either by the General Government or by the State of New York. A fortification upon this large scale was, therefore, out of the question; as to make it would require an island to be raised in the channel and a fort on Staten Island, and even then it would be in the power of a force sufficiently large for the purpose to take the city. He thought, therefore, that the objections to the fortifications now partly erected, had not all the force which the gentleman who made them seemed to think they had. He believed they were in the best possible situation for defending the place against two, three, or more ships-of-the-line.

With respect to the cession of the jurisdiction of this place, he believed the State of New York, though it would in some degree be inconvenient, would gladly make the cession, provided the General Government would do anything towards completing the works, which were so far advanced; but it was generally believed that all which had been said about the cession of these islands, was more a pretence than anything else; and if this were granted, then objections would be brought against the situation, and no money would be granted to complete works which, they would say, would be of no use when completed. Not having confidence, therefore, that Government would do anything effectual, they were not disposed to make any cession; nor did he believe, if the cession was made, they would do anything for them.

Mr. H. was of opinion that the Government of the United States should be candid with them. If they could not spare the money they should say so, and make this the ground for not coming forward in the business, and not plead the want of a cession of the land as the cause. Whenever Congress were disposed to grant them money for completing their fortifications, there would be no scruple to make a cession of the soil. For his part he should vote for the sum proposed, in order that Government might do something more than they had done for the security of the ports and harbors of the United States.

Mr. NICHOLAS said, the report gave some account of what \$23,394 were wanted for, but he did not know what the \$50,000 were to be ex-

pended in. They ought to know, he said, how far discretion was to go in the expenditure of it, and also what might be likely to be the extent of the demand. They went on giving by little and little, in a manner, he thought, scarcely consistent with their duty. They knew there were many claims upon them. New York had a claim; they were told that city might be completely defended for two millions of dollars. But he believed they were not in a situation to encounter such an expense, and, therefore, it was not their duty to undertake it. If they were to agree to appropriate the \$50,000, they knew not what sum they should be pledging themselves hereafter to find; before they entered into the expense, he wished to know something more about it. He believed it might be proper to prevent any works going to decay which had been erected; but before he entered upon any business he wished to have some estimate before him. He should be for voting for the sum reported, but should not wish to go any further until he had more information on the subject.

Mr. W. LYMAN said, with respect to the cession of the soil upon which different fortifications were erected, he believed the United States had a right to make fortifications where they pleased, whether a cession was made or not, in the same way as they had a right to make a public road through private property. All the advantages of cession arose from its giving to the United States exclusive jurisdiction; but, in a variety of instances, the United States had taken cessions qualified.

With respect to the sums already expended, he was far from thinking with the gentleman from New Jersey, [Mr. DAYTON.] He thought the works at New York very well calculated for the defence of that city, as it would be out of the power of any small number of vessels to annoy it. He would not say the defence was complete; he believed it was not so complete as if the fortification had been made at the Narrows; but, as far as it went, the works were executed in a manner which did credit to those concerned in the execution, and was an honor to the State.

With respect to the fortifications of other places, he believed there were only one or two instances in which a cession had been made of the property. Mud Island, in the Delaware, and he believed Baltimore, had been ceded; but these were all that he knew of. He should, however be against voting for any larger sum than that reported by the Secretary of War as necessary, viz: \$23,394; except they were to determine upon completing the fortifications at New York; in that case he should be for a larger sum. He believed completely to fortify New York, would cost three millions of dollars, and perhaps not less than ten millions for all the other parts of the United States. He supposed they should not think of engaging in so extensive a business at present.

Mr. W. SMITH said, he had moved to fill up the blank with \$50,000, because it was necessary to keep the present fortifications in repair. A great part of that sum, he said, would be wanted for

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Charleston alone, and the committee had reported upwards of \$23,000 as necessary for other purposes. He believed their information had not been so complete as it should have been; if it had, they would have found \$50,000 at least necessary. Great sums of money, Mr. S. said, had been expended in gaining experience; but having learnt wisdom therefrom, in this respect, he trusted it would be of future service. He believed it would be found necessary to fortify all the ports of the United States; Charleston was very deficient. The Summer before last, he said, a French sloop of war came in there and committed some depredations, and, though they attempted to stop her, she bid them defiance, and sailed away. Indeed, any vessel of war might come in there and commit depredations with impunity, they had no means of preventing them. He believed they ought to go much further, but he knew the temper of the House was against voting large sums for this subject; this sum, he conceived, however, to be absolutely necessary to preserve the little fortifications which they had from going to ruin. Indeed, if \$20,000 or \$30,000 were not appropriated for the purpose of repairing Fort Johnson, it must be entirely destroyed. And though this fort was a sufficient defence against small vessels, yet it was not calculated for a permanent defence. Shooter's Mark was the proper place for making an effectual fort against the power of large vessels. He hoped, therefore, that when they agreed to this sum, they should go on to authorize the PRESIDENT to appoint commissioners to inquire into the proper sites for forts throughout the United States, in order to effect a complete defence of the Union.

With respect to the fortifications at New York, he thought them upon a noble scale, and that it would be disgraceful to the United States to suffer them to go to ruin. But the port of New York was in a better state than that of Charleston. It was true, the State of New York had done much, but they were able to do it. Charleston had also done something; they had expended twenty thousand dollars, yet their harbor was in a very defenceless state.

Mr. CORR wished to know what was become of the \$20,000 which were last year reported as unexpended. It was then understood that that money was to go to the protection of New York and other fortifications. He was doubtful whether more was wanting. He believed they undertook too much. He believed the subject of fortification was begun radically wrong. It was not in our power, he said, to provide for so many forts at present; besides, the works were made vastly too extensive, and required forty times the money that Congress had an idea of appropriating to them. He believed they had better let the works go to ruin than appropriate more money to the object.

Mr. W. SMITH said, it was to be regretted that the gentleman from Connecticut had not been in Congress when this subject of fortification was agreed upon. Everything would doubtless then have been right. But it would always be the case, that young members would think their predeces-

sors had done wrong. It was thought, at the time, the best plan that could be adopted.

Mr. CORR could inform the gentleman from South Carolina that he had the honor of being a member of that House when the subject of fortifications passed. He believed himself as liable to mistake as he believed others; he was now satisfied he was mistaken on that subject, and he believed a majority of the House was also mistaken.

Mr. GILBERT said, if it was a good reason now for refusing an appropriation to the works at New York, because the islands were not ceded to the United States, the same reason would have held good heretofore. He did not believe it was then considered an insuperable objection, nor did he believe there would be any difficulty in gaining a cession of the territory, provided the United States were inclined to give the assistance wanted to finish those works.

Mr. BALDWIN said, the matter was plainly before them in the report of the committee. The balance wanted appeared in the statement of the Secretary of War. The whole sum necessary was divided between the forts which were garrisoned and those which were without troops, and amounted to \$23,394. He said he was upon the committee on a former occasion, and he believed there was sufficient information before them upon which to form an opinion. He was on the first committee on the subject of fortifications, and was at that time against going into it, thinking their then difficulties might pass over without taking these measures, and that it would have been better to have appropriated the money for the payment of the Public Debt. It was, however, carried.

He was of opinion with gentlemen who thought care had not been taken in the expenditure of the money appropriated for this object. He believed it was a misfortune that we had not had a better Engineer. There might have been some bad judgment, and if the business were now to be done, it might doubtless be improved; and whether there were too many undertaken, must be determined by that House. In the fortifications at New York, he believed there would be found no defect in the plan: they were going on with a complete plan, and the work was executed in a very durable manner. It was a business, he said, which it might take fifty years to complete.

Mr. B. said he should vote for the sum of \$23,394, which was intended only to keep the works from getting worse: if more was given, it would go to a new object. The Engineer and Commissioners wished much for \$30,000 in addition, for making a parapet to Governor's Island: they thought not to have this parapet was a burlesque upon fortification. The committee, however, recommended nothing but what was intended to prevent the works going to ruin. There was no provision for Charleston in this estimate. Indeed, if they could have brought themselves to have agreed to recommend anything further, it would have been the \$30,000 above-mentioned, for the parapet.

Mr. S. SMITH agreed with the gentleman from Connecticut, [Mr. CORR.] that the subject of fortifications was begun radically wrong. Too many

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forts had been undertaken, and they were undertaken on too large a scale; but this was no reason why they should be suffered to go to decay. Some good had been done. He thought he had taken care that the fortifications at Baltimore had not been too large. However, the Engineer engaged in that business seemed not to know that no larger vessel than one of 36 guns could come into Baltimore. He had made it too large, and in the place where it ought not to have been erected. Where the fortification ought to have been made, little had been done. Barracks had been erected, but there was no place for preserving powder; and when the commander of the fort arrived there, he found 27 barrels lying above his barrack. The cattle had also free intercourse with the barracks, nor was there any defence against them. The Secretary of War, he believed, contemplated the erection of a proper fence and powder-house. He should, therefore, be for voting a sum for keeping the present works in repair, and for making them as useful as possible. He did not think they should refuse a small sum to keep them in repair.

Mr. DAYTON believed that the unpleasant history of the progress of the fortifications near Baltimore, with which they had just been entertained by the member from Maryland, would be found to be that of many others which had been commenced in other places. Injudicious positions had been taken, and plans that were so extensive as to require more money to finish, and more troops to garrison them than could be spared, had been adopted by many of the agents and engineers. He thought it proper to review the present system before they proceeded further.

He rose principally to correct a misstatement made by the gentleman from New York, [Mr. WILLIAMS,] who had said that only \$12,000 of the money of the United States had been expended upon fortifications in the harbor of their city. If that gentleman had attended to the official reports of the last year, he would have seen that \$17,500 had been expended upon those fortifications out of the appropriations for the two years only of 1794 and 1795. Nearly \$170,000 had been appropriated in those two years for the general purpose of fortifying ports and harbors; and it appeared that about \$8,000 only remained unexpended. To grant \$50,000 additional at this time would, Mr. D. said, be, in his opinion, an unwarrantable waste of money upon objects from which few advantages would arise to the public. He hoped, however, that if any grant should be made, the cession of jurisdiction would be insisted upon, as an indispensable preliminary to its expenditure.

The question for filling the blank with \$50,000 was put and negatived, without a division.

Mr. LIVINGSTON wished to know whether the Committee had the information before them respecting the state of the fortifications at Charleston, which had been laid before the Committee of the Whole; if not, he thought a sum of money should be allowed for that port; and he did not see how gentlemen who wished to preserve the present works from ruin could decline voting for it.

Mr. W. SMITH believed this information was not before the Committee. He moved that the blank should be filled with \$40,000; which being also negatived, without a division, the question was put upon \$24,000, and carried, 42 to 36.

Mr. GALLATIN wished to move an amendment, to confine the expenditure of the money which they had just voted, to those spots which had been ceded to the Union. His reason for making this motion, was, that those places which had ceded their fortifications to the United States were prevented from doing anything for themselves. Pennsylvania, for instance, was at the mercy of the General Government: if it refused to fortify Mud island, Philadelphia would be left exposed to the attacks of any armed force which chose to come against it. As only a small sum had, therefore, been appropriated, it should be applied to those States which had made cessions of their works. If they adopted this principle, such States as chose to intrust the United States with their fortifications would do so, and those which chose rather to take care of themselves would act accordingly. His amendment was, to follow the resolution, in these words: "Provided, that no part of the above-mentioned sum shall be appropriated on any spot which has not already been ceded to the United States."

Mr. POTTER said, the State of Rhode Island had laid out considerable sums upon their fortifications; but, with a view of their being better protected by the General Government than by themselves, they had been ceded to it, and since that time they had been going to destruction. Before they were ceded, they had their works mounted with guns and men, but now they had neither; and, if the United States did not mean to keep these works in repair, it would be much better for them to return them again into the hands from which they got them.

Mr. LIVINGSTON said, if an amendment could be added to the provision, he should have no objection to vote for it. They were told the public money should only be expended upon such fortifications as were ceded to the United States. He would wish to add, "if the United States shall pledge themselves to make such places a complete defence." The information of the gentleman from Rhode Island had weighed much with him. What was it? They had ceded the only place proper for defence; they had laid out a small sum, and left it deficient, and prevented them from doing anything for themselves. Mr. L. then proposed an amendment to the above effect.

Mr. WILLIAMS was opposed to both motions. He would only ask the gentleman from Pennsylvania what would be the situation of New York, supposing they were upon the eve of a war, if these islands were ceded, and the General Government refused to do anything towards their defence? Would he wish to tie up the hands of the individual States from defending themselves? When he was up before, he had stated that the General Government had only appropriated twelve thousand five hundred dollars towards the fortifications at New York in the first instance;

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the Legislature of that State finding that sum only appropriated for that object, and knowing the exposed situation of the city of New York, agreed to advance near two hundred thousand dollars for that object and the defence of the frontiers. He believed that, in the whole, seventeen thousand five hundred dollars had been appropriated by the United States to these works; but if they will not complete them, the State ought not to tie up its own hands from doing so. The Constitution placed the power of the defence of the nation in the General Government; but if they would not defend it, individual States must defend themselves.

Mr. SHERBURNE supposed that other States, seeing the manner in which the United States neglected to protect those places which had ceded their fortifications, were prevented from making cessions of theirs.

Mr. W. LYMAN said, he should vote for the latter amendment, because it would render the former less exceptionable; for, without it, he should expect to see the whole of the money expended on Mud Island and Presqu'Isle; because he believed no cession had been made of any other. He was not certain with respect to Baltimore.

Mr. HAVENS was against the amendment of his colleague [Mr. LIVINGSTON] as altogether nugatory. The Government of the United States would always judge of their own situation, and what was necessary to be done. He did not see how it was possible to prevent the Government from judging and acting in such cases as they thought proper. Nor did he think the amendment of the gentleman from Pennsylvania was at all proper. He believed when the gentleman from Connecticut said the business was begun radically wrong, he meant that the United States were not equal to the expense of the undertaking. If this were the case, they should select those places which were of the greatest importance, and give assistance to them; but if this amendment were to prevail, their assistance would be confined to those of least importance. If a State had not made a cession, if it were ever so much in need of support, it could not receive any. He hoped, therefore, the proposition would not be agreed to.

Gentlemen seemed to make it a matter of great importance that a cession should be made; but did gentlemen seriously believe that this was the only objection to affording support to the ports which asked it? If they were not unwilling to do it, had not Government the power to give assistance, though a cession was not made? Or was it right that they should place the defence of the Union upon so slender a foundation as that the refusal or neglect of a single State Legislature to cede a proper site for fortifications should expose it to the utmost danger? It was obvious that it was not.

Mr. SWANWICK said, much difficulty arose from two bodies having the same power in this business; but it did not follow that, because one power did not do what was necessary, that the other ought not. He thought the motion of the gentleman from New York well calculated to bring the

matter to a point. In Pennsylvania, he said, they had ceded the important fort of Mud Island, and they had a strong claim on Government for protection; and if they did not do their duty, it would evince the imbecility of Government. Indeed, he was very sorry to hear so much of the imbecility of Government as he had that day heard. What a strange idea would it give to foreign countries, that we were not able even to preserve our fortifications from ruin; that in one place they were undermined by the sea, and in another were subject to abuse from cattle? What a strange idea it was to think of a fort which should be impregnable being torn to pieces by cattle! These were the most extraordinary specimens of good government he had ever heard. Whether they were upon the subject of a Navy or upon fortifications, their finances were wholly unequal to the business. Where should they stop at last? Could such a system as this prevail? He thought it could not. He believed such representations of our weakness were well calculated to provoke aggression.

Mr. S. could not help being surprised that, whilst they were taking great care of their posts at the Natchez, Detroit, &c., where nobody came, they were leaving their seacoast, where danger could only be apprehended, exposed to every danger; for he did not expect an enemy would attack them where nothing was to be got; they would strike at our large cities, where lay the great capital of the nation.

Mr. NICHOLAS spoke against both amendments.

Mr. DEARBORN thought it was proper the question should be brought to issue, whether places which did not cede the spots upon which their fortifications were erected, should be supported or not. He thought this amendment was calculated to determine this point.

The question on the amendment to the amendment was put and negatived without a division.

The question then recurred upon the amendment offered by Mr. GALLATIN; and, after a few observations from Mr. GILBERT in opposition thereto, it was put and negatived—38 to 36.

Mr. W. SMITH then proposed a resolution to the following effect:

Resolved, That a further sum of \$15,737 19 be appropriated, to reimburse to the State of South Carolina the expenses incurred in fortifying the city of Charleston."

The question was put and negatived without a division.

The Committee then rose, and the resolution was referred to the Committee of Ways and Means to bring in a bill.

A report was received from the Secretary of War, inclosing an account of the deficiencies reported to the House on the 10th instant, intimating at the same time that there would be a further deficiency for militia service on the frontiers of Georgia of \$112,413, which would be laid before them as soon as made out. Referred to the same Committee of the Whole to whom was referred the former communication on this subject.

Mr. SITGREAVES, from the committee to whom

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was recommended the bill for mitigating and remitting fines and penalties under the revenue laws, reported a bill; which was committed to a Committee of the Whole to-morrow.

TUESDAY, February 21.

Mr. HARPER, from the committee appointed to report what States had agreed to the amendments proposed to the Constitution respecting the suability of States, made a report. It recommended that the PRESIDENT be requested to inquire what States had agreed to the said amendment. It was referred to a Committee of the Whole to-morrow.

Mr. HARPER reported a bill laying additional duties on certain articles of impost. It was referred to a Committee of the Whole to-morrow.

Mr. SWANWICK reported a bill to suspend, in part, the act laying duties on snuff and refined sugar. Committed to the Whole House to-morrow.

A bill was received from the Senate, entitled "A bill to accommodate the PRESIDENT." This bill enacts, "that, after the 3d of March next, the PRESIDENT OF THE UNITED STATES be authorized to cause to be sold such articles of furniture presented to him by the United States, as may be decayed, out of repair, or not fit for use; the proceeds of the said sale, and a sum not exceeding fourteen thousand dollars, to be appropriated to the accommodation of the PRESIDENT, to be laid out for such articles of furniture as he may direct." Referred to the same Committee of the Whole to whom was referred a report on this subject.

Mr. W. SMITH reported a bill for making an appropriation for the Military and Naval Establishments for the year 1797. Referred to a Committee of the Whole to-morrow.

Mr. GALLATIN called for the order of the day on the bill providing certain expenses incurred in the late insurrection. They went into a Committee, and reported the same without amendment—the House passed it for a third reading to-morrow.

MILITIA BILL.

Mr. DEARBORN moved to go into Committee of the Whole on the Militia bill.

He observed it was not a new system, but an alteration of the old one. He supposed it could not take a long time, its principles having already been discussed.

Mr. SHERBURNE supported the motion, as it had been several sessions under consideration.

Mr. WILLIAMS hoped, as the present session was so near a close, the House would not think of it.

Mr. RUTHERFORD thought it better not only to be put aside at present, but never revived, as it was taking a power out of the hands of the several sovereign States, which they could best suit their own location in; besides, he thought the United States had nothing to do with the Militia until in actual service.

Mr. VARNUM said it was well known the United States had passed laws for the regulation of the Militia, and it was as well known that those laws

did not do any service in the Eastern States. The benefits of a new regulation would be considerable. During the Western insurrection, assistance was obliged to be obtained from several States; this was not compulsory. He hoped the United States would not expose themselves to danger and expense, when a short bill would prevent it. He therefore thought it a very necessary subject.

Mr. SITGREAVES lamented the time which was every day taken up to know what business should be entered upon. He hoped every private business would bend to public, of which he thought sufficient presented itself. He hoped the present would be postponed.

Mr. HARPER was surprised that gentlemen could press a business which there was no probability of doing; he would, therefore, to gratify Mr. SITGREAVES, move a postponement until the 4th of March.

Mr. PARKER thought it more proper to discharge the Committee from the consideration of that subject, which he moved; and after an observation against it by Mr. FREEMAN, it passed—ayes 42, noes 32.

COMPENSATION OF CLERKS, &c.

On motion of Mr. DEARBORN, the House resolved itself into a Committee of the Whole on the bill for reviving and continuing in force the act of the 30th of May, 1796, to regulate the compensation of clerks, which was agreed to; the Committee then rose, and the bill was ordered to be engrossed for a third reading to-morrow.

On motion of the same gentleman, the bill for augmenting the salary of the Attorney General went through the same form, and was disposed of in the same way. Before the question was taken in the House,

Mr. S. SMITH moved to add a clause to it to increase the salaries of all the Heads of Departments.

The SPEAKER said the bill must be recommitted to admit of his amendment.

Mr. KITTERA moved to have it recommitted. The motion was negatived, there being only 15 votes in favor of it.

GENERAL APPROPRIATION BILL:

Mr. S. SMITH called for the order of the day on the appropriation bill. The House accordingly went into a Committee of the Whole on that subject; and the item of \$50,000 for foreign intercourse being under consideration—

Mr. NICHOLAS said, he felt himself very much at a loss on this subject. They were told this session that the object of this appropriation might cost \$300,000. When he voted on this subject last session, he thought there was no need to go beyond the sum then appropriated; and, from the smallness of that sum, he did not make the necessary inquiries, but as the Secretary of State had said the faith of the country was pledged to pay the debts for which persons had stepped forward as securities, he felt himself much embarrassed. The country would, by this means, be much in-

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volved, and how they could be excused from paying it, without disgrace, he was at a loss to know, though he did not think they were bound to pay it. It went to establish a principle that whatever property was thus lost they would be bound to make good, however great the sum, or bear the expense of suits to recover it, which was a dangerous principle.

Mr. W. SMITH could not agree with the gentleman who had just sat down, that by this act we pledge the United States to make good any deficiencies of our citizens; on the contrary, he thought there would be a reimbursement of this, as he thought considerable sums would be recovered, and when recovered, would be placed to the credit of the United States, and if not recovered, he could not see how the United States stood pledged for its payment. He thought the appropriation should be made. It was passed, and he could not see how it could be prevented. The PRESIDENT had, he thought, good reason for advancing these sums, or he would not have done it, and having done it, it could not be recalled. All they had now to do was to prevent the like again, by raising a sufficient armament to protect our flag and deter foreign Powers from insulting or injuring our commerce in future; he trusted it would be a warning to us to make ourselves so respectable as to guard against the necessity of indemnification in future.

Mr. NICHOLAS said, that the appropriations should be kept separate, that those for the service of Government, and those which were of a disputable nature, might not be introduced, as it could not be essentially different whether the item now under consideration be introduced in this, or in a separate bill. He did not think with the gentleman last up, that because much money was to be spent, that more should be spent to prevent it in future. He was not at all satisfied with the business; it seemed a matter of surprise on the House, and, he believed, done without authority. He did not believe there was power in the Executive to use money in this manner. At any rate, he thought the appropriation might remain until the last of the session, and therefore he would move to strike out the item.

Mr. GALLATIN said, that upon examining the documents sent the other day by the Secretary of State, and the Secretary of the Treasury, he found that, having been under the necessity of giving security for the costs of the suits of our citizens in Great Britain, and being authorized to do so, Mr. Bayard, our agent, had pledged the faith of the United States for the payment of them. On this account, several merchants in London came forward and were security for him, and, though the sum of 50,000 dollars was small, it could not be obtained without pledging the faith of the United States. By recurring to the law, it would be found that there had been a general appropriation of one million to defray an extra expense of intercourse with foreign Powers; and though it was the intention of the Legislature that this sum should have been exclusively appropriated to obtain a peace with Algiers, yet it could

not be denied, that the loose manner in which the act was worded, might be so construed as to cover the purpose for which 200,000 dollars of that appropriation was expended, viz: to prosecute the claims of our citizens whose property had suffered spoliation, as it was an extra expense of intercourse with foreign nations; yet he did not think the construction which had been put upon it was perfectly natural, but he would not now dispute that question; he would allow it was a legal appropriation. But it could not be denied, that whenever appropriations were made in such a loose manner, they could not cover the expense further than the money would go. If the Legislature, indeed, had authorized an expense, and appropriated a sum of money for that purpose, and this money had fallen short of the expense, it might have been said the expense was authorized, and therefore the money must be procured. In such a case the PRESIDENT would have been authorized by law to pledge the faith of the United States, in the same manner as he would be authorized to call out the Militia; for, though no appropriation was made for the purpose, they should feel themselves bound, in a certain degree, to pay the expense: they might, indeed, say he had expended too much money, yet they would, in some degree, be bound to pay it. But the case now under consideration was altogether different: the object of expense was not authorized, and the only reason why the money had been legally expended, was, because a kind of general appropriation had been made, of which advantage had been taken. He conceived, that the PRESIDENT might have gone on to have expended the money as far as it went; he had not the power to pledge the faith of the United States further. Upon this ground he had prepared a resolution, which he intended to have offered to the House this morning, viz:

"Resolved, That a Committee be appointed to inquire into the propriety of the United States either advancing or defraying the whole, or part of the expenses of prosecuting the claims of their citizens, whose property has been captured by the belligerent Powers, and of authorizing the President of the United States to pledge the faith of the United States for the purpose; and that the said committee be authorized to report by bill or otherwise."

Being an entire new subject, Mr. G. said, it was proper they begin the business afresh. They ought not, by appropriating in this bill, to countenance the expenditure of money for an object not authorized by the House; they ought first to authorize the expense, and then appropriate the money. He, therefore, was for striking out the item in question. He would not wish to be understood to say, that, though the PRESIDENT had not the power to incur the expense alluded to, that the necessity of the case might not warrant it, and that they might not be induced to legalize it; but if they made an appropriation without any inquiry on the subject, it would be taken for granted that the expense was perfectly regular and warranted; but if, on the contrary, they brought in a bill by itself, it would show that they

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alone were the only branch of Government which had the power of creating expense.

Mr. W. SMITH said, it was not very material whether this appropriation was in this bill, or in any other, since the gentleman last up admitted it was necessary to appropriate for it; this gave him considerable pleasure. Gentlemen admitted there might be cases wherein to justify the Executive in incurring expenses unknown to the House. Mr. S. thought this may be a case of that kind, and that he was justified from the urgency of it: however, every gentleman would judge for himself. There would have been more propriety in bringing forward this measure last session than now, as then a certain sum was voted for this purpose in the appropriation bill; they, therefore, then did what gentlemen now said ought not to be done. Last session, said Mr. S., we received a communication from the Executive, informing us that some money was wanted for the purpose; we, then, without legalizing the expense, considering the necessity of the sum to be granted extraordinary to the diplomatic department, it was done, and considered as a proper measure. Mr. S. had no objection to the mode proposed, provided it had been done last session.

The question for striking out the item was then put and carried.

The other articles of appropriation were then gone through, the Committee rose, and the House took it up, and the bill was ordered to be engrossed for a third reading to-morrow.

PUNISHMENT OF CRIMES.

Mr. W. SMITH called for the order of the day on the bill from the Senate repealing the limitation of the act for the punishment of certain crimes against the United States, and to continue in force the same.

Mr. GALLATIN said, in looking over this act, he saw little in it which might not with propriety be made a permanent law; though he thought there were some few things, in the two first sections, which were not so fit for a permanent law. He, therefore, thought it would be best to extend the act for two years longer, by which time the situation of this country, and of the public mind, might be such as to allow the repeal of those particular parts. He made a motion to this effect.

Mr. MURRAY hoped the amendment of the gentleman from Pennsylvania would not succeed. From what he knew of the law, he was impressed very favorably towards it; he thought it well explained the duty of the citizens of this country, as a neutral nation, towards this Government and towards other countries; these were permanent duties, which no time could change; they were duties inherent in the law of nature, and agreeable to the Law of Nations. The object was to create such a disposition in the people as should be friendly to our neutral situation. The clause which forbade the fitting out of privateers was sanctioned by the laws of morality and justice. Mr. M. hoped, therefore, this law would be considered as a permanent law, especially when great

evils had arisen from the want of the knowledge of the duties herein contained, and had nearly forfeited our neutral character. If the duties laid down in this act were such as should be generally known and practised, it was necessary the law should be considered as permanent: indeed, he had heard no argument against its permanency, either now, or at the time of its passing. It saw necessary the duties of neutrality should be well impressed upon the mind of every citizen. It had, indeed, been the pride of this country to keep hitherto that neutrality inviolate. And in truth, if the law should not now be made permanent, it would exhibit a fluctuation in our councils, that would not fail to produce a bad effect upon the people.

Mr. GALLATIN said, there was the same reason for continuing the limitation now, that there was for originating it when the law passed. The law was suitable for our present situation, and whilst the European war continued, it might be well to continue this law in all its parts. Indeed, if it contained nothing but an exposition of the law of nature and of nations, as the gentleman from Maryland had said it was, he would fully agree with him that it should be permanent; but he believed it, in a few instances, contrary to both.

When he was up before, he said, he did not see anything, except in the two first sections of the bill, that appeared to him improper for a permanent law, but those sections he did not think were proper. He should be justified in saying, that they were in flat contradiction to the Laws of Nations, which was the reason he did not wish it inserted as a part of a permanent law of the land, without further investigation than they had now time to give it. One of the passages in the law was to the following effect:

"That if any citizen shall, within the territory of the United States, accept of any commission in the service of any foreign Power or State, he shall be guilty of a high misdemeanor," &c.

In no other nation, he said, was it considered as a high misdemeanor to enter into the service of a foreign Power. The United States themselves had a number of foreign officers during the last war. No nation ever yet forbade the practice; yet he would fully agree that, owing to the temper of the public mind at the time, the regulation was a proper one; it might be so now; but he was not prepared to say it would always be so, because there might be considerations which, whilst we were at full peace, would induce us to wish our citizens to learn the art of war; yet, he would not say that this consideration might not be overbalanced by other considerations. He would rather leave this subject, which was not conformable to the Law of Nations, but a kind of novelty, until the expiration of the present European war. With respect to fitting out privateers, the observations of the gentleman from Maryland [Mr. MURRAY] were perfectly right. He agreed that the law on this subject ought to be permanent; but the reflections which that gentleman had made were mostly derived from the objectionable clauses.

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Mr. W. SMITH wished the gentleman from Pennsylvania [Mr. GALLATIN] had confined his motion to the two clauses which he had mentioned as objectionable, as he seemed not to carry his objections to any other part. The two sections might be enacted for two years, and the remainder be permanent. The law, he said, was a valuable one; and, by making its duration for two years only, they would run the risk of bringing the law under consideration every two years; at a time when, perhaps, the minds of the people might be in a situation which would render the discussion improper. They knew now what was the duty of citizens; and as it could not possibly be known what our situation might be at the end of two years, it was proper to have a permanent law. The gentleman said, it might be, that our situation at that time would be such as not to require a continuance of that law. But this they knew, that the system was valuable; one of the effects of it, he believed, was our peace, whilst other nations were embroiled in war, by preserving our neutrality. He hoped, therefore, the gentleman would at least let all the other clauses of the act be permanent, if he should choose to have the period of duration of the two first confined to two years. He would do well to confine his motion to them.

Mr. CORR did not think it material whether the law was made permanent, or extended for two years more. If he had had the same opinion with the gentleman from Pennsylvania, he should have come to the same conclusion that it would be best to make the law temporary. But he thought the expression, "if any citizen within the territory or jurisdiction of the United States," did not mean what he made it. There was no prohibition of any citizen of the United States from going out of the country to serve, "by taking and accepting of employment within the United States."

Mr. MURRAY said, he had not read the law lately; since he was up before he had looked it over, and he owned he was not convinced of the impropriety of making it a permanent law, by anything which had been offered by the gentleman from Pennsylvania. That gentleman would, doubtless, admit that from a neutral situation certain duties immediately arose; but that, when we declared our neutrality, they became much stronger, and that it would be a breach of neutrality if these duties were to be neglected. The offence which was forbidden by the first section of the law, was an offence against the Law of Nations, since it would be to allow a part of the nation to assume a military character, which the Law of Nations was averse to; what was prohibited in the second section, viz: "that no person shall himself enlist, or enlist any other into the service of a foreign Power," was equally improper, as a nation which allowed itself to be a place of recruiting could not retain its character of neutrality; indeed, if one Power had the liberty of beating up for recruits amongst us, another must have the same, so that we should lose altogether our neutral character. If we, therefore, considered ourselves as a free nation, and did not choose to open our doors

to the recruiting parties of any other, it became us to make provision by law against the practice; and were they to repeal a law of this kind which had been already made, or give a limitation to it, they would say this was a duty which might cease; for the law, said he, does not create duties, but enforces them. The Law of Nations enjoined upon neutral nations peaceable manners towards all other nations. This flowed from principles of honor when applied to nations. If the provision was made only a temporary one, the Law of Nations was put in the power of a mere majority of that House to do it away, which was certainly improper, as the sanction should be as perpetual as it was obligatory.

Mr. SWANWICK said, there seemed to be observations introduced into this subject which were foreign to it; the question was, whether they would agree to limit the law before them to two years, or make it a permanent one. From anything he had heard, he was in favor of the limitation; as he was not less inclined to think favorably of the wisdom of our successors, than of their own; nor did he fear that House would at any time do what it ought not to do. He doubted not their successors would do the business of the nation as well as they did it—perhaps better. What did experience say in this respect? Were they not in the habit of frequently altering their laws? Did they not often hear of "an act supplementary to an act," &c., which did not look as if their laws were made like the laws of the Medes and Persians, which changed not; on the contrary, every opportunity was given to revise and make our laws as perfect as possible. It was no evidence of the wisdom of a law, that its advocates wished it to be made permanent; it would appear more consistent in them to leave it to the consideration of a future Legislature, because it was really a wise and excellent law, there could be little doubt that a majority of that House should insist upon a repeal of it. For his part, he was much in favor of limitations, and wished they were more frequently introduced.

Much, Mr. S. said, had been said about nations and the Law of Nations. He believed the great variety of business which lay before them would not allow them to discuss the extensive folio of the Law of Nations; and therefore, he believed, it would be much better to pass the law before them for a limited term, and leave it to those who came after them, who probably would have more time to do it, to discuss this Law of Nations. So far as passion might be supposed to be engaged on one side or the other, with respect to the belligerent Powers of Europe, he did not think they were so competent to the passing of a permanent law as they might be supposed to be some years hence, when the present contest shall have come to a close. But this Law of Nations, of which they heard so much, was so flexible a thing, that it was become difficult to know what it was. It seemed to be a law of force, which a strong Power always interpreted for a weak one. We, he said, had complained to other nations, that the Law of Nations had been violated in their conduct towards

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us; but, knowing us to be weak, they told us we were mistaken—it was no such thing; whereas, if we had been strong enough for it, we should have shown that we understood that law as well as them—so laughable a matter was become this Law of Nations. If a gentleman could not find his opinions supported by *Vattel*, he turned to *Marten*, and if not by him, it would not be difficult to find some other author agree with him in sentiment; indeed, he thought this famous Law of Nations was become little more than the law of strength.

But the gentleman from Maryland [Mr. MURRAY] said, if this law was made permanent, it would have a good appearance to foreign nations; it would show them that our neutrality was fixed; that they had nothing to apprehend from us; we should be as peaceable as lambs. For his part, he did not think this so very desirable a thing; and, if the limitation clause would produce a contrary effect, he should think it a considerable recommendation for adopting it. But, it was said, these limitation clauses kept the people's minds in continual fluctuation; on the contrary, he believed, no law they could pass would fluctuate their opinion. He was convinced they would think for themselves. Indeed, their opinion might be found to fluctuate concerning their Representatives, and they might tell them they had no further need of their services. There was no certainty that the people's opinions would approve the conduct of their Representatives.

Mr. S. said, he remembered the time when a permanent PRESIDENT was talked of; and something of permanency was heard about another branch of the Legislature, which, if it were examined, it would be found, meant no more than that two branches of Government should have power over the third. It was said, that though the law before them was a good law, and now approved, yet a future House might repeal it if it were passed under a limitation. Mr. S. said, he had often heard apprehensions about what other branches of the Government might do, but that they should become apprehensive of what they themselves might do was extraordinary; for, though the wisdom of the other branches was often reiterated, yet he would rather trust their own body than them, especially as they were returned by the people every two years; therefore, if the opinion of that House fluctuated, it would be a fluctuation favorable to the interests of the country, since it would receive its bias from the people, which might not be altogether so in the other branches, as they were not so frequently brought to the test of public opinion. And though he did not wish to make discriminations betwixt the merits of the different branches of Government, if he did make them, it would be in favor of that House. Why, then, should they wish to abridge their own powers? This was a singular conduct. He should be for cautiously upholding that power, because he believed the other branches would take care of themselves, and that there was no occasion for that House to take care of them; yet he was sometimes afraid that, in the abundant

zeal of the House of Representatives for the powers of the PRESIDENT and Senate, they should lose sight of their own. As he had no doubt of the virtue and wisdom of a future Legislature, he wished the limitation to be agreed to.

Mr. GILBERT said, there were certain things which were immutable in their principle; and this was the case, he thought, with respect to the provisions of this bill; and therefore they ought not to put upon an uncertain footing what was eternal and true. He therefore was of opinion that what had been remarked with respect to laws in general, had no weight with respect to this law.

Mr. GALLATIN said, if he were of opinion with the gentlemen from New York and Maryland, that the whole of this law was founded upon permanent principles, he should agree with them that its existence should not be limited; but he still insisted that the first and second sections of this law were not so grounded; for, notwithstanding the word *exercise*, which moderated the word *accept*, still he would say that it was not contrary to the Law of Nations that citizens of the United States should enter into foreign service. As he did not mean to recur to *Vattel* on this occasion, he would refer to a fact. A few years ago, it would be remembered that, whilst the Russians and Turks were engaged in war, the British authorized officers to go into the Russian service; they went to Russia, and when the fleet of that Empire went round to the Mediterranean, they anchored within the jurisdiction of Great Britain. This was never looked upon as an infraction of the Law of Nations. He therefore insisted that, however proper in itself the first section of this law might be, as it respected the situation of our own country, it was not the Law of Nations, nor did it flow from it. If they turned to the second section, he agreed that that part which forbade the enlisting of persons into foreign service was perfectly well founded, as such a practice was not only contrary to the Laws of Nations, but also an encroachment upon the jurisdiction of a sovereign country. He, therefore, did not object to that provision being made a permanent law of the land. But to inflict a punishment upon a person for enlisting himself, was not consonant to the Law of Nations, though they certainly had the power of making it an offence against the law of the land. In order to prevent an invasion of our neutrality, it would be sufficient to prevent foreigners from recruiting, and there was little danger of our own citizens enlisting, though they had a right to do so, according to the Law of Nations, except forbidden by a positive law. He concluded, therefore, it would be best to enact the law for another limited time. This legislating by the lump was not convenient. This was a long act, and as the session was near a close, there would not be time for discussing it section by section; the law must therefore be re-enacted without undergoing much discussion. If it were to continue in force two years longer, it might then be taken up section by section, and they would see whether it could not be amended.

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Mr. NICHOLAS said, besides the objections which had been made to the act, there was a principle in it dangerous and new. It was the execution of law by military force; not only with respect to ships or vessels, but with respect to persons who came under this law. He thought this alone would be sufficient to lead them to choose rather to enact the law for a limited term, than as a permanent law. It would be recollected that this particular occasioned much discussion when the law passed, and that it was carried only by a small majority.

Mr. HOLLAND was in favor of the limitation. It had been observed, he remarked, that experience had shown the law to be a good one; if so, it would continue to be so. The gentleman from Maryland was certain that it was agreeable to the fixed Law of Nations; it might be so, but he ought not to wish to pass it without giving gentlemen time and opportunity to examine it for themselves.

Mr. MURRAY believed, if the gentleman from Pennsylvania [Mr. GALLATIN] would recollect in the case of the British officers, they obtained some authority from their Government before they entered into the service of Russia; so completely were that people bound up by allegiance to their Government (and such a conduct was very patriotic and exemplary) that no step of that kind would be taken without authority.

Mr. M. said, we had the authority of France for this provision by a famous author of that country, written one hundred and fourteen years ago, viz: *Colbert*. In speaking on the maintenance of Ordinances, he says, that no subject of France can, during a foreign war, take or accept a commission from any foreign country whatever, without permission being first obtained from Government; but the ordinance, as commented on by *Valleine*, declares, that no citizen of France could take a commission from a foreign Power, though in alliance with that country. They had, therefore, the examples of both Great Britain and France in favor of the regulations in this bill.

With respect to the charge brought against him by the gentleman from Pennsylvania, [Mr. SWANWICK,] he had entertained him so agreeably in passing, as it were, in a circle from pole to pole, that he was obliged to lose sight of him in the dust that he himself had kicked up. He had wandered abroad so widely that he supposed he was mistaken as to the subject; he, doubtless, fancied he was upon some commercial business. He scarcely knew what to think of him; because he was generally as close to the pole as a well-bred race-horse; he never knew him so completely out of the way. The gentleman must have been thinking upon the frigates, or some commercial scheme, as there was no other way of accounting for his wanderings upon this occasion. He should not attempt to follow him.

Mr. SWANWICK said, it was no wonder the gentleman should have lost sight of him after describing him as turning the pole. He could assure him he should not follow him in his notice of

Colbert and Valleine, nor into his inquiries of what France did during her despotic Government. And he thought it would be acknowledged, however foreign he might have been from the subject, he was not further out of the way than he was, in going back to the musty records he had resorted to. To tell them what was the practice of France one hundred and fourteen years ago, was indeed idle; they all knew what a wonderful revolution of sentiment had taken place since that time; they also knew that they had also lately treated *Vattel*, and other writers upon the Law of Nations, somewhat roughly. For his own part, when he read some of these works, he thought the authors of them had spent their time to very little purpose. He believed we should understand the Law of Nations very well, if we had twenty ships-of-the-line to back our interpretation of it; but whilst we remained without ships, we should have to receive the Law of Nations from others. Our citizens had been buoyed up with the idea of the liberty and independence of their country; but we had seen them plundered and enslaved. We had also seen our peaceable conduct everlastingly repaid by injury. He believed the people would, however, begin to think for themselves. In two years, he was of opinion, the people would not ask what was the opinion of *Colbert, Valleine, Vattel*, but would think for themselves.

Mr. S. SMITH said, there was a law on the subject wherein it was admitted that our citizens may go into other countries to fight if they chose; the prohibiting clause only went to prevent them entering into the service of other nations within the United States. His colleague [Mr. MURRAY] was right as it respected Russia, some British officers did this who had commissions, but some he knew had not. How far he was right in his reference to *Colbert*, he knew not, but he thought it had no force, for he believed the Marquis LAFAYETTE, and other French officers who assisted us during the war, had no authority from their Government to do it.

Mr. BUCK said, it could not be a matter of much consequence whether the amendment took place or not; no one could say there was anything inapplicable to our present situation; but it has been said, that there is provision in the law which may hereafter be continued in force, and therefore there was no need to restrict it to two years; it could then be reconsidered, for he could not see that, according to the ideas of some gentlemen, it was in the power of the House to make what they called a permanent law to bind any future Legislature; if he considered that, he said, he should be against passing any acts, and for repealing this, and leaving its extension to a future House; as he thought it almost, if not quite, impossible to look forward and see what would take place. He supposed it always in the power of a Legislature to make, alter, or repeal, as they pleased; it might be left to their discussion and judgment, and if they saw it not necessary to extend or limit, it might be left to go on as it now is. He could not see any inconvenience in the law, nor had the gentleman from Pennsylvania convinced him of any, he only

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said it was consistent with the Law of Nations, and under the existing circumstances of our Government. Then, if he cannot show why injurious now, why should he anticipate its alteration at the end of two years? Seeing no use in the amendment, but the contrary, he should vote against it.

The question was put for continuing the act in force two years, instead of making it permanent, and carried—ayes 52.

The Committee rose, and the House agreed to the reported resolution, and the bill was ordered for a third reading to-morrow.

NEGOTIATION WITH THE MEDITERRANEAN POWERS.

Mr. W. SMITH moved that the House should go into a Committee on the business, which would require the galleries to be closed; the SPEAKER accordingly put the question for going into a Committee of the Whole on the bill to authorize a negotiation with the Mediterranean Powers, which, being carried, the galleries were cleared accordingly.

After the galleries were cleared, the bill was agreed to with amendments, and ordered for a third reading to-morrow.

On motion that the House come to the following resolution:

“Resolved, That the injunction of secrecy upon the members of this House, so far as it relates to that part of the communication made by the President, by his Message of January 9, which has been printed, be taken off, and that all future debates and proceedings thereon be had with open doors.”

A motion was made to insert, after the words “be taken off,” “together with the letter of Messrs. Barlow and Donaldson, of April 5, 1796.” The question on the amendment was taken by yeas and nays, and lost—yeas 19, nays 65.

The main question was then taken by yeas and nays, and resulted—yeas 53, nays 36.

Reports of the Secretary of State and the Secretary of the Treasury, relative to the present situation of affairs with the Dey and Regency of Algiers, accompanying the following confidential Message from the President of the United States, received the 9th of January, 1797:

*Gentlemen of the Senate, and of
the House of Representatives:*

Herewith I lay before you, in confidence, reports from the Departments of State and the Treasury, by which you will see the present situation of our affairs with the Dey and Regency of Algiers.

G. WASHINGTON.

UNITED STATES, January 9, 1797.

To the President of the United States, the Secretary of State respectfully makes the following brief representation of the affairs of the United States, in relation to Algiers:

When Colonel Humphreys left America, in April, 1795, he was accompanied by Joseph Donaldson, Esq., who had been appointed Consul for Tunis and Tripoli; and him Colonel Humphreys was authorized to employ

in negotiating a Treaty with Algiers, while he should proceed himself to France, for the purpose of obtaining the co-operation of that Government in this negotiation.

They arrived at Gibraltar on the 17th of May. Colonel Humphreys concluded that it was expedient for Mr. Donaldson to go first to Alicante, rather than Algiers, in order to be near at hand, to ascertain facts and profit of occasions. He gave him instructions accordingly; and having also instructed Mr. Simpson, our Consul at Gibraltar, to renew our peace with the Emperor of Morocco, Colonel Humphreys sailed from Gibraltar the 24th of May, and arrived at Havre de Grace on the 26th of June; from whence he set off immediately for Paris. The object of his mission was communicated by our Minister, Colonel Monroe, to the Committee of Public Safety. On the 1st of July he had received only a verbal answer, that the French Government was disposed to interest itself, and to do every thing in its power, to promote the accomplishment of our wishes on the subject in question. On the 28th, assurances were received that immediate measures should be taken for giving particular instructions to the agents of the Republic, to use its influence in co-operating with us. The multiplicity of affairs with which the officers of Government were occupied, and the getting from London a sum of money necessary to purchase the usual peace presents, prevented a conclusion of this arrangement at Paris until September. It had been judged expedient, by Colonel Humphreys and Colonel Monroe, that Joel Barlow should be employed in the negotiation with the Barbary States, and his consent had been obtained. By the 11th of September, all the writings on the part of Colonel Humphreys were prepared for Mr. Barlow, to proceed with the instructions and powers from the Government of the French Republic to its agents in Barbary, in favor of our negotiation.

Colonel Humphreys left Paris the 12th of September, and reached Havre the 14th, where he found the master and mate of the United States brig Sophia, both sick with fevers. While waiting there impatiently for their recovery, he received intelligence from our Consul at Marseilles, that Mr. Donaldson had concluded a Treaty of Peace with the Dey of Algiers; nevertheless, Colonel Humphreys thought it expedient that Mr. Barlow should proceed with the presents prepared and preparing at Paris; for, if not needed at Algiers, they would be wanted in the negotiation with Tunis and Tripoli.

About the 5th of October, Colonel Humphreys sailed from Havre, and after a stormy passage of more than forty days, arrived at Lisbon on the 17th of November. There he found Captain O'Brien, who had arrived about the 1st of October, with the Treaty with Algiers.

On the 3d of September Mr. Donaldson arrived at Algiers, and on the 6th the Treaty was concluded, and the peace presents immediately given, by a loan. Mr. Donaldson, knowing that funds had been lodged in London to answer his stipulations, engaged to make the payments in three or four months.

Colonel Humphreys had received advice, under date of the 30th July, from the Messrs. Barings, in London, to whom the funds had been remitted, that, having made progress in the sales of the United States' stock, they should hold, at his disposal, the whole of the value of \$800,000, meaning to furnish, by anticipation, the value of that part which remained unsold, if the service of the United States required it. Colonel Humphreys, counting on the money as always ready after this period, sent Captain O'Brien from Lisbon to

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London, in the brig *Sophia*, to receive it. Owing to contrary winds, she did not leave Lisbon till the 24th of December. The other details, relative to the pecuniary transactions, appear in the report of the Secretary of the Treasury.

The disappointments in the pecuniary negotiations, put the Treaty in jeopardy; the Dey threatened to abandon it, and it was with extreme difficulty that it was prevented. Mr. Barlow did not arrive at Alicant until February, 1796, where he proposed to wait the arrival of the funds; but, after a little time, his intelligence from Algiers showing that our affairs were in a critical situation, he determined to go thither immediately, with the hope of soothing the Dey. He arrived there the 4th of March; they had before prolonged the time to the 8th of April for the payment of the stipulated sums. On the 3d of this month the Dey declared what should be his final determination—that in eight days Mr. Barlow and Mr. Donaldson should leave Algiers; and if, in thirty days after, the money was not paid, the Treaty should be at an end, and his cruisers should bring in American vessels. Under these circumstances, and as the last hope of saving the Treaty, they were induced to offer the present of a frigate—this fortunately succeeded. For the particulars of this transaction, the Secretary begs leave to refer to the enclosed letter from Messrs. Barlow and Donaldson.

Colonel Humphreys not deeming himself authorized to confirm this promise of a frigate, referred the matter to the Executive of the United States; and for this end dispatched Captain O'Brien, in the brig *Sophia*, to America. There was evidently no alternative; and the promise was confirmed.

The frigate is now building in Portsmouth, New Hampshire, and is expected to be finished in the spring. Captain O'Brien returned to Lisbon, where he arrived on the — of July. Colonel Humphreys had advantageously negotiated bills on London for \$225,000. This sum was embarked on board the *Sophia*, and, on the 3d of August, Captain O'Brien set sail for Algiers. He has not since been heard of, and there is room to fear that some misfortune has befallen him. The money was insured at a small premium, against the danger of the seas; against all risks they demanded so high a premium as Colonel Humphreys judged it inexpedient to give, seeing the *Sophia* was a vessel of the United States, having a special passport from the President, as well as a passport in the Turkish language, under the seal of the Dey of Algiers.

Such arrangements have been made by Mr. Barlow and Mr. Donaldson, at Algiers and Leghorn, as will doubtless insure the payment of the \$400,000 originally expected from the latter place; and the same house have become engaged to the Dey and Regency for the residue of the money due as the price of peace, without which he would not agree to the redemption of the captives.

The Secretary of the Treasury estimates these further sums to be provided to fulfil the terms of the Treaty - - - \$255,759
For two years' annuities to the Dey - - - 99,246
To which are to be added the 10,000 sequins promised by Mr. Barlow and Mr. Donaldson, mentioned in their letter - - - 18,000
And the expenses of the captives performing quarantine at Marseilles, and transporting them to America, estimated by the Consul at Marseilles, at about - - - 6,500

379,505

On the 31st ultimo I received a letter from Mr. Barlow, dated the 13th of July, informing that the agent, Mr. Famin, at Tunis, who had been recommended to him by the French Consul Herculus, had concluded, with the Bey of that Regency, a truce for six months, from the 15th day of June last, and that without any presents

TIMOTHY PICKERING,
Secretary of State.

DEPARTMENT OF STATE, January 6, 1797.

The Secretary of the Treasury, in obedience to directions from the President of the United States, respectfully makes the following representation respecting the application of the funds destined for the execution of the Treaty with Algiers:

In pursuance of an act passed on the 21st day of February, 1795, the sum of \$800,000 was borrowed of the Bank of the United States, which was paid in six per cent. stock. A conviction of the case, and a disposition to accommodate the Government alone induced the Bank to consent to the loan, as the stock was then saleable in large quantities at par, including interest. Bills of exchange were not readily obtainable, and the sudden exportation of so considerable a sum in specie would have been attended with inconvenient effects. Indeed, no alternative offered but to renounce the negotiation, or to remit stock as a fund.

Various causes operated to produce a depression of all kinds of public stock, soon after the remittances had been made. The rates at which sales have been effected are as follows:

\$560,000 sold for sterling - £111,053 13 0

230,000 remained unsold at
the date of the latest
advices, which may
be estimated at 80
per cent. - - 43,200 0 0

\$800,000 in stock will, therefore, produce in sterling money - - £154,253 15 0
or \$685,572 22

Of the sum of \$396,911 37 appropriated for Treaties with Mediterranean Powers, by the act of May 31, 1796, there was an estimate for a deficiency on account of the Treaty with Algiers, the sum of - - - 51,132 00

The whole of the grants for the Algerine Treaty may therefore be considered as equal to an effective fund in London, of \$736,704 22

The expenses of carrying the Treaty into effect, are estimated at - - - 525,500 00

To which are to be added, agreeable to Mr. Donaldson's calculation, for per centage on the captives - - - 27,000 00

Other expenses - - - 90,000 00

Amount of money to be paid in Algiers - \$642,500 00

The expense of remitting the sum last mentioned, from London to Algiers, according to the best estimate which can be formed, will be as follows:

One hundred and forty thousand dollars procured at Leghorn by bills on London, cost 4s. 10d. 55-100 sterling, per dollar, or sterling £34,110 00 0

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Two hundred and sixty thousand dollars, expected to be obtained at 5s. will be - - - 65,000 00 0
 £99,110 00 0
 or \$440,488 88

Forty thousand dollars remitted to Hamburg, cost sterling - - - 9,002 18 8
 40,013 04

Two hundred and twenty-five thousand dollars procured at Lisbon, for which drafts have been passed for sterling - - 50,007 16 0
 222,256 89

Six hundred and sixty-five thousand dollars placed in Leghorn, Hamburg and Lisbon, and supposed to be sufficient to discharge the pecuniary obligations of the Treaty, will probably cost - - - 702,858 81

Payments made to Col. Humphreys, sterling 3,571 00 0
 Payment to Capt. O'Brien 31 00 0
 £3,502 00 0
 15,564 44

The naval stores stipulated by Mr. Donaldson, were estimated at fifty-seven thousand dollars, but which, agreeable to his enumeration of the articles, will cost, agreeable to the estimate of the purveyor, marked (A) - - - 124,413 00
 The freight of said stores is computed at - 50,000 00
 The expenses of the frigate lately promised, agreeable to the estimate of the Secretary of War, herewith transmitted, marked (B) will be - - - 99,727 00

The whole expense of fulfilling the Treaty according to the estimate, therefore, is 992,463 25
 From which sum the effective value of the provisions already made being deducted, as before estimated - - - 736,704 22

There will remain to be provided - - - \$255,759 03

The annexed paper marked (C) is a copy of a representation from Messrs. Barings and Company, to the Minister of the United States in London, dated August 29th, 1796; the accuracy of which is confirmed by the correspondence therein referred to; there is therefore no room to doubt but that the delays and consequent accumulation of expenses, are to be attributed solely to the extraordinary events of the war in Europe, and to other causes over which the Government of the United States have had no control.

By the last article of the Treaty, the United States are bound to pay an annuity of twelve thousand Algerine sequins in maritime stores; the cost and freight of the articles required by the Dey for the first two years annu-

ty, will, agreeably to the purveyor's estimate, marked (D) be - - - \$144,246 63

From which the appropriation made by the act of May 6, 1796, for two years, being deducted - - - 48,000 00

There will remain to be provided on this account the sum of - - - \$96,246 63

All which is respectfully submitted by
 OLIVER WOLCOTT, Jr.
 Secretary of the Treasury.

TREASURY DEPARTMENT,
 January 4, 1797.

(A.)

An estimate of the probable cost of the articles for the Algerine Treaty

500 barrels powder, at 15 <i>l</i> .	- - -	£7,500
66 tons of lead, at 40 <i>l</i> .	- - -	2,640
20,000 cannon ball, at 27 <i>l</i> .	- - -	2,760
5,000 double headed shot	- - -	690
200 pieces of canvass	- - -	1,100
2,000 gun barrels	- - -	2,000
50 masts, at 100 <i>l</i> .	- - -	5,000
100 spars, at 40 <i>l</i> .	- - -	4,000
10 cables and cordage, 45 tons	- - -	10,575
3,000 pine and oak plank, 6-inch thick and 50 feet long	- - -	9,000
200 barrels of tar	- - -	200
200 pieces of scantling	- - -	540
100 barrels of pitch	- - -	150
10 cannon, &c.	- - -	500

£46,655

Equal to - - - \$124,413

TENCH FRANCIS,

December 29, 1796.

Purveyor.

(B.)

Estimate of the sum necessary to build and equip a frigate, to carry 36 guns, for the Dey of Algiers. To which is added an estimate of navigating the same to Algiers.

Carpenter's bill for building the hull, launching the same, together with a complete set of masts and yards, per ton - - - \$45 00

Joiners, smith, plumbers, boat-builders, carvers, coopers, blockmakers, sailmakers, riggers, and rigging, with ship-chandler's bill - - - \$55 00

Ship complete, of 538 tons, at per ton 100 dollars, is - - - \$53,800 00

Copper sheathing - - - 4,118 40

Cannon - - - 8,428 60

Copper pintles and braces - - - 1,240 00

Powder, shot, and other military stores - 13,551 00

Forty men, including officers, their pay and subsistence for five months - - - 8,589 00

Contingencies - - - 10,000 00

\$99,727 00

JAMES M'HENRY.

WAR OFFICE, 26th December, 1796.

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(C.)

Statement of Messrs. Baring & Co., Aug. 29, 1796.

In the execution of the business with which Baring and Company have been entrusted, they have communicated to Mr. Pinckney, from time to time, every material circumstance which has occurred; but, as the present position is extremely critical and important, they will endeavor to state as concisely a narrative as possible, from the commencement of the business, for the consideration and determination of Mr. King.

[The 7th March, 1795.] The President of the Bank remits to Baring and Company \$800,000 in certificates of six per cent. stock, with orders to sell the same without causing a depression in the prices and thus injuring the credit of American funds. The net proceeds, after deducting the usual commissions, are to be held at the disposal of Colonel David Humphreys; and we are directed to inform Colonel Humphreys of the progress we may make, from time to time, in the sales of the stock, and also of the terms upon which remittances can be made to Cadiz and Leghorn. This contains nearly the whole of our orders, or at least the whole of what we conceive to be necessary for the information of Mr. King, in the present moment; the further letters from America being almost wholly answers to our numerous letters, and do not contain a syllable of disapprobation with regard to our conduct, but the reverse.

[31st March, 1795.] Col. Humphreys writes from Philadelphia, that we would furnish him with information, assistance, &c., directed to him at Lisbon.

[28th April, 1795.] We wrote very fully to Colonel Humphreys; the letter contained every information relative to the probable sale of the stock, and the various means by which he could execute his commission through London, Lisbon, Cadiz, and Italy in general.

[19th May, 1795.] We wrote still more fully, in answer to his letter of the 31st of March, wherein we offered to anticipate a considerable sum, on the value of the effects in our hands, for which there was no demand at the moment. We explained to him the value of the Italian coins, those of Spain being well known; mentioning that it was easier to procure money at Leghorn, where there was no restraint; than at Cadiz, where dollars were more plentiful; but the exportation was exclusively in the Bank of St. Charles, from whom it was difficult to obtain permission. That we could procure any quantity in London, to which we added the names of our correspondents at the different places, offering every service in our power, direct or indirect.

[18th May, 1795.] Col. Humphreys advises of his arrival at Gibraltar.

[21st of July, 1795.] We advise Colonel Humphreys that we had sold \$300,000; that we were ready to pay £100,000 to his order; and if he wanted a further sum, we desired to be informed.

[27th July, 1795.] Colonel Humphreys directs us to pay \$40,000 to Mr. Deas, for Mr. Andrews, which was immediately complied with, by a credit on Hamburg for that value.

[30th July, 1795.] We informed Colonel Humphreys that having made further progress in our sales, we should hold the whole of the value of the \$800,000 at his disposal; meaning to furnish, by anticipation, the value of that part which remained at that time unsold, if the service of the United States required it.

[28th Nov. 1795.] Is the next letter from Colonel Humphreys, and the commencement of our difficulties. He informs us that he should send the Sophia for the

purpose of receiving Portugal gold and Spanish dollars in London, to the amount of 650,000 Spanish dollars. He further opens credit in favor of Messrs. Dohrmans of Lisbon, which were punctually paid, and he desires remittances on Lisbon, which, from the scarcity of paper at the time, was effected to a very trifling amount.

This letter was followed and confirmed by others from Colonel Humphreys, dated the 16th, 22d, and 24th December, of similar tenor, or very nearly so, and the arrival of the brig Sophia from Lisbon.

Although Colonel Humphreys has not mentioned to us the reasons for this proceeding, we may impute it to the advice contained in our letter of the 19th of May, and indeed to the well known facility with which a sum of that description could be procured in London, of Spanish dollars, having ourselves never experienced the least difficulty in disappointment, for large sums.

[22d Dec. 1795.] We answered these letters, advising Colonel Humphreys of the impossibility to procure Portugal gold, none having been received for many years. Of the extraordinary turn which had appeared with regard to bullion, in consequence of the immense drains upon this country, for carrying on the war, and which has finally compelled the Minister to abandon his favorite project of a second loan to the Emperor; but as the difficulty had only begun to appear, we hoped that with some delay, we should be able to collect the dollars for the purpose of executing the orders of Col. Humphreys.

[17th Jan. 1796.] Finding it impossible to procure gold, and no silver arriving, we submitted the whole of the orders and correspondence to Mr. Pinckney, when it was determined to purchase such silver as might arrive; but, at all events, to detain the Sophia, which could not be wrong, as the westerly winds would have prevented her sailing.

In the meanwhile we wrote to Messrs. Parish and Company of Hamburg, to know whether Portugal gold or Spanish dollars could be obtained in that place.

[Jan. 19, 26,—Feb. 2, 12, 1796.] Are letters we wrote to Colonel Humphreys, wherein we acquaint him with our prospects, from time to time, that Parish and Company gave us reason to hope for the execution of a part of the order, but that no silver had arrived in London.

[16th Feb. 1796.] Having determined, with the approbation of Mr. Pinckney, to send the Sophia to Hamburg, in consequence of the encouragement of Messrs. Parish and Company, on applying to Capt. Crandon he observed that it was contrary to his instructions, which were to return to Lisbon, and as considerable doubts existed about proceeding to Hamburg, Mr. Pinckney declined giving a positive order to Captain Crandon, which proved fortunate, as immediately after advice was received from Messrs. Parish and Company, that the dollars they had in view had been purchased, most probably for account of the British Government.

On this occasion, and under this date, we wrote to Colonel Humphreys, by the brig Sophia, and by the packet, acquainting him with our disappointment *in toto*; which we accompanied, at the intimation of Mr. O'Brien, with letters of credit on Madrid and Cadiz; and in order to finish this part of the subject, as a justification for permitting the Sophia to return, we should observe, that if she had been detained for six months, we could not have procured one half of the quantity of Spanish dollars required.

[March 1st, 1796.] We advise Colonel Humphreys, that we had received a large sum in bills, drawn from

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Negotiation with the Mediterranean Powers.

[FEBRUARY, 1797]

Leghorn, on the British Government, being for money sent to Algiers, and which appeared afterwards to be for the release of the Corsican prisoners.

[March 22, 29, 1796.] Are answers to letters from Col. Humphreys, relative to our accounts; chiefly dated 27th February, and 9th March; which we do not notice, concluding that he was satisfied, as nothing appears in reply to us; but as there was reason to fear the business could not be executed in Spain, the Government there refusing a license, notwithstanding the endeavors of Messrs. Joyes and Sons, aided by the American Minister or resident.

[April 1st, 1796.] We wrote to Messrs. Fonnereau, of Leghorn, not only to open the necessary credit, but to explain to them, in a full and confidential manner, the nature and extent of our preceding disappointments; requesting (with the approbation of Mr. Pinckney and Colonel Humphreys) that they would convey to Algiers such information as should satisfy the Dey, that the delay in paying the money did not arise from the want of funds, credit, or endeavors on the part of the United States, but must be solely attributed to the political convulsions in Europe, which had annihilated the usual channels or modes of procuring the coin for the purpose.

It is unnecessary to quote dates of letters, as there appears but one opinion on the subject, namely, "that the business must finally be done at Leghorn," and both Mr. Pinckney and Colonel Humphreys recommend most earnestly, that the information alluded to should be conveyed to Algiers.

[29th April, 1796.] Messrs. Fonnereau answer our letter of the 1st, promising to follow the orders of Colonel Humphreys, and that ——— would communicate to Algiers every thing we had desired.

[17th June, 1796.] Fonnereau advise the delivery to them, on that day, of the orders from Colonel Humphreys, to pay to the order of Mr. Donaldson, 400,000 Spanish milled dollars, which they acquaint him shall be immediately complied with.

[17th June, 1796.] Mr. Donaldson acquaints Messieurs Fonnereau that he should accept the sum; and on a meeting between them and ———, the price of the dollars, with that of the agio, was settled to the satisfaction of ———.

[June 20th, 24th, 1796.] Fonnereau drew for what money they could procure, and on the 24th, wrote, "enclosed you have Mr. Donaldson's receipt for 140,000 dollars, paid to him by order of Colonel Humphreys: this business might have been completely finished by our giving to Mr. Donaldson bills on you, or on Hamburg, for the remaining 260,000 dollars, which ——— offered to negotiate for him, and to give him a receipt for the whole 400,000 dollars, which he engaged to ship to Algiers; but a certain diffidence on his side would not permit him to sign receipts to us for more than he had absolutely received in cash."

[June 27th, 1796.] The French entered Leghorn, and Fonnereau embarked on board an English frigate.

[July 15th, 1796.] Mr. Donaldson draws on us for the sum of 10,000 dollars; ——— under the same date, inquires about Mr. Donaldson's credit on us, and whether we have orders for more than 400,000 dollars.

This question leads to a state of the account, with an estimate of the effects in our hands. Of the original sum sent to us, we have only sold 560,000 dollars, the price having fallen at one time so low as 82, and believing that Government would feel reluctant to sell under 90, we had determined to anticipate on the value

of the remainder, waiting for our reimbursement in the due time.

The 560,000 dollars above, have produced £111,053
Some part was sold above 90 per cent. and none below that price, which leaves about 3s. 11½d per dollar.

The present price is 86, with little demand; suppose the remaining 340,000 dollars produce 3s. 9d. per dollar, the amount will be 45,000

Total amount of sales and effects - - - £156,053

The great defalcation in the nominal dollars arises from the remittances being made in funds which fell at 10 per cent. under par, and the payments being made in foreign money at a rate very much above par, that of Leghorn in particular has advanced 16 and 18 per cent. above what it was not a long while since.

Our payments are as follow:

Credit on Hamburg, 40,000 dollars	- - -	£ 9,000
Drafts on Dohrman	- - -	56,000
Remittances to Col. Humphreys	- - -	3,000
His draft 12th of December	- - -	430
Paid O'Brien	- - -	31
Paid sundry persons for the dividends on stock sold	- - -	2,497
Dollars, 140,000, paid Mr. Donaldson, we calculate about 4s. 10d. 55.100 each	- - -	34,110
		99,118

Suppose the remaining dollars, 260,000, which includes Mr. Donaldson's drafts, calculated at the same rate, the amount will be, at 5s. 65,000

Total amount of payments	- - -	164,118
Ditto of sales and effects	- - -	156,053

The sum of £2,497 paid for us by dividends, will be received again by us from America, and, of course, appear ultimately to the credit of the United States.

Under all the circumstances which have been stated, it is submitted to Mr. King, What ought to be done in the present moment?

Mr. Fonnereau says, that reliance may be had on ——— having conveyed to Algiers the information requested; and moreover, that it will be thoroughly satisfactory at that place.

In the present situation of Leghorn, there is in fact no exchange; and the drafts of Mr. Donaldson must be negotiated elsewhere. The Italians, moreover, know that bills drawn from Leghorn, subsequent to the entry of the French, cannot be paid in London without a license, &c.

Baring & Co. can have no difficulty with regard to themselves; they are directed to hold the proceeds or value (which they conceive to be equally the intention of the United States) at the disposal of Colonel Humphreys, who directs them to pay 400,000 dollars to the order of Mr. Donaldson, which will be punctually complied with, to the extent of sales, and value of what remains, under a proper license; but that zeal which has induced them to follow this business into foreign parts, without any other motive for their so doing, induces them to submit the difficulties which occur with regard to the actual position of Leghorn. I doubt whether the business can be executed from thence at present—and still more, the defalcation which must arise respecting the funds, to the consideration of Mr. King, for his better judgment, and which they trust

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Negotiation with the Mediterranean Powers.

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will serve as an apology for the detail with which they now trouble him.

£156,053 Sales and supposed value.

2,497 Dividends.

158,550

5,568 Deficient, supposing Mr. Donaldson can negotiate the remaining dollars, 266,000, at 5s., those of Mr. Fonnereau having cost 4s. 10d. 55.100.

164,118

AUGUST 29, 1796.

(D.)

An estimate of the probable cost and freight of the maritime stores necessary for paying the first and second years annuities to the Dey and Regency of Algiers :

1,000 barrels of powder	-	-	-	£15,000
2,000 pine and oak plank	-	-	-	6,000
3,000 pine boards	-	-	-	4,500
2,000 pipe staves	-	-	-	50
100 dozen long tar brushes	-	-	-	100
34 cables, 80 tons	-	-	-	10,800
10 coils white rope, 11,200 lbs.	-	-	-	500
5 tons yarn	-	-	-	975
100 bolts of canvass	-	-	-	550
3 tons lead	-	-	-	120
35 tons spikes	-	-	-	3,597 10
2,000 bomb shells	-	-	-	650
				42,842 10

Equal to \$114,246 63

To transport the above to Algiers, suppose 30,000

\$144,246 63

TENCH FRANCIS, *Purveyor.*

DECEMBER 29th, 1796.

WEDNESDAY, February 22.

The bill for the regulation of the compensation of Clerks; the bill for advancing the salary of the Attorney General; the Appropriation bill; the bill for defraying expenses incurred on account of the Western insurrection, and for allowing compensation to jurors, witnesses, &c.; and a bill to continue in force an act for the punishment of certain crimes against the United States, were severally read the third time and passed.

MEDITERRANEAN POWERS.

The bill for making appropriations to defray the expense of negotiations with Mediterranean Powers, was also read the third time. The provisions of this act, (which has been the subject of the various discussions which have lately taken place with closed galleries) are to the following effect :

"That the President of the United States be, and he is hereby authorized to apply a sum not exceeding 255,759 dollars and three cents, to the expenses which may have been incurred in any negotiations with Medi-

terranean Powers, beyond the sums heretofore appropriated; and that the said sum of 255,759 dollars and three cents, be, and the same is hereby appropriated for that purpose; and that a further sum not exceeding 96,246 dollars and 63 cents, be, and the same is hereby appropriated for discharging the two first years annuity to the Dey and Regency of Algiers, pursuant to treaty, in addition to the sum appropriated for that purpose by the act of the sixth of May, 1796."

On the question being put that the bill do pass, Mr. GREENUP said he never liked the bill in any shape whatever; he would therefore express it now. He then called for the yeas and nays, which were taken, and stood yeas 63, noes 19, as follow :

YEAS.—Fisher Ames, Abraham Baldwin, Theophilus Bradbury, Nathan Bryan, Daniel Buck, Dempsey Burges, Thomas Claiborne, Joshua Coit, Isaac Coles, William Cooper, James Davenport, Henry Dearborn, George Dent, George Ege, William Findley, Dwight Foster, Jesse Franklin, Nathaniel Freeman, jun., Albert Gallatin, Ezekiel Gilbert, Henry Glen, Chauncey Goodrich, Roger Griswold, Robert Goodloe Harper, Carter B. Harrison, Thomas Hartley, Jonathan N. Havens, Thomas Henderson, William Hindman, Aaron Kitchell, John Wilkes Kittera, George Leonard, Matthew Locke, Samuel Lyman, James Madison, Francis Malbone, John Milledge, Andrew Moore, Frederick A. Muhlenberg, John Nicholas, Alexander D. Orr, John Page, Josiah Parker, Elisha R. Potter, John Richards, Robert Rutherford, John S. Sherburne, Samuel Sitgreaves, Thompson J. Skinner, Jeremiah Smith, Nathaniel Smith, Israel Smith, Isaac Smith, Richard Sprigg, jun., Thomas Sprigg, Zephaniah Swift, George Thatcher, Richard Thomas, Mark Thompson, Philip Van Cortlandt, Joseph B. Varnum, Peleg Wadsworth, and John Williams.

NAYS.—David Bard, Thomas Blount, Samuel J. Cabell, Gabriel Christie, John Clopton, James Gillespie, Christopher Greenup, John Hathorn, John Heath, James Holland, Andrew Jackson, George Jackson, William Lyman, Samuel Maclay, Nathaniel Macon, William Strudwick, John Swanwick, Abraham Venable, and Richard Winn.

On motion of Mr. GALLATIN, the title was changed to "a bill to authorize the PRESIDENT OF THE UNITED STATES to apply further sums to defray the expenses of the negotiation with the Dey and Regency of Algiers."

TREASURY STATEMENTS.

Mr. HARPER moved the following resolutions:

"Resolved, That the Secretary of the Treasury be directed to lay before Congress, annually, until the year one thousand seven hundred and ninety-eight, a statement of the amount of duties and drawbacks for each year, from 1792, inclusive; and after the year one thousand seven hundred and ninety-eight, similar annual statements, each to include, respectively, the six years immediately preceding the year in which it is made.

"Resolved, That the statements required by the foregoing resolution, the amount of duties and drawbacks, after the present year, on each of the enumerated articles, paying a rate of duty ad valorem; and also, on woollens, shall be separately stated; that woollens shall be distinguished into three classes; and that the said amount on all unenumerated articles paying such a rate

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John Cleves Symmes.

[FEBRUARY, 1797.]

of duty, (woollens excepted,) shall be comprised in one item, containing, however, an enumeration of the articles of which that item may be composed."

Ordered, That the said motion be committed to Messrs. HARPER, COIT, and VENABLE; that they do examine the matter thereof, and report the same.

JOHN CLEVES SYMMES.

On motion of Mr. GALLATIN, the House took up the bill in addition to an act for granting certain lands to John Cleves Symmes and his associates; when

Mr. COIT moved to strike out the first section. His object, he said, was to gain information, particularly with respect to the survey:

Mr. GALLATIN (who was Chairman of the Committee which made the report) gave a concise history of the business; which satisfied Mr. COIT, who withdrew his motion; and the bill was ordered to be read a third time to-morrow.

The particulars of this case are as follows:

John Cleves Symmes and his associates entered into a contract with the United States in the year 1787, for a million acres of land in the North-western Territory, at a time when the geography of that country was not well understood. The tract was to extend twenty miles up the Great Miami to the Little Miami; but when this line came to be measured, it was found that it cut the Little Miami in several places on land which had been reserved by Virginia at the cession of this Territory to the United States. Mr. Symmes was down in the country before he knew the line thus drawn would thus cut into the lands of Virginia. The first thing he did was to take possession of the country which is between Fort Washington and the Little Miami, and to sell as much as he could of it. General St. Clair, the Governor of that Territory, threatened to drive Mr. Symmes and the settlers off this territory to which he had no right. The innocent settlers, who had purchased the land of Mr. Symmes, sent forward representations of their case to the PRESIDENT, which, together with the representations of the Governor, produced an act to change the boundary line of the purchase, which was passed April 12, 1792. This act describes the boundary line of the tract of land to be between the two Miamis and the Ohio. Mr. Ludlow was sent to survey it in 1793, when it was found, that instead of there being one million of acres, there were only five hundred and forty-three thousand nine hundred and fifty, which was duly surveyed, and the survey lodged in the Treasury Office on the 10th of January, 1794. Here arose the first difficulty. The act passed to change the boundary line could not take place without the consent of Mr. Symmes. In consequence, the law was said to be enacted at the request of Mr. Symmes. In 1794, Mr. S. had not made any request, consequently the law was a nullity. He might at that time have said, he would not have the land upon any other than the original contract, and that it was the business of the United States to make up the deficiency; and, if he had so acted, it is probable Congress would

have been obliged to have found him one million of acres of land, agreeably to his contract; but, at that time, lands were not raised to so high a price as they were now, and Mr. S. did not think it necessary to avail himself of his contract. On the 11th April, 1792, a petition was presented in his name, stating, that from an advance in the price of certificates, resulted the impossibility of fulfilling his contract, and prayed that an abatement might be made in the price of the land. On the 27th September, 1794, instead of saying he would not abide by the new boundary, he requests an alteration may be made in the boundary. Notwithstanding this request, Mr. S. now says, he did not know anything of the survey, though more than nine months since it was made. At first sight, it would be supposed the contract was void for want of fulfilment; but as he says he never received from the public a counterpart of the contract, (though it is generally supposed he had in some way got possession of a copy, but no proof existing of it,) the claim was not forfeited. A circumstance was mentioned which seemed to convey a strong supposition that Mr. S. was acquainted with the survey. The day following the request he had made for the new boundary, was issued to him a patent for three hundred thousand acres, referring to that survey. Mr. S. now objects to the releasement which was given of his first purchase as not being complete. It was stated that he had taken possession of land to which he was no way entitled. The necessity of the act being immediately passed appeared from an advertisement (which Mr. GALLATIN read from a newspaper of that country) inviting persons to come and purchase, under an assurance that his original purchase would be completed. Mr. G. said that he had been offered some part of the land at a dollar an acre, he was informed that it would sell for two to settlers. Mr. G. said he knew it to be very capital land; and if the four hundred and fifty thousand acres which remained would sell for nine hundred thousand dollars, while he only gave three hundred thousand for the whole, he would have made a good bargain.

AMENDMENTS TO THE CONSTITUTION.

On motion of Mr. HARPER, the House resolved itself into a Committee of the Whole on the report of a select committee on the resolution from the Senate respecting certain amendments to the Constitution, which, having been read, a motion was made for the Committee to rise, stating that the report was important—that, from the noise without, and the indisposition which there seemed to be in members to attend to business [the noise alluded to was the firing of cannon, drums beating, and fifes playing, in commemoration of the PRESIDENT's birth day] it was doubtful whether it would meet with proper attention. The Committee rose accordingly.

Mr. LIVINGSTON reported a bill in addition to an act for the relief and protection of American seamen; which was referred to a Committee of the Whole.

On motion of Mr. S. SMITH, the House took up

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Indirect Taxes.

[H. of R.]

the bill for regulating the compensation of collectors, &c., at the ports and harbors of the United States; when, after having partly gone through the same, a motion was made, and carried, to adjourn.

THURSDAY, February 23.

A Report was received from the Secretary of State on the memorial of Antonia Carmichael, widow of the late William Carmichael, praying for compensation for her late husband's services as *Chargé d'Affaires* to the Court of Spain. The Secretary reported it as his opinion, that Mr. Carmichael ought to be considered as *Chargé d'Affaires* from May, 1782, to April 1790, and that his widow should have been paid for that service one thousand pounds sterling a year, and eighty-one thousand dollars for his extraordinary services. The Report was referred to a Committee of the Whole to-morrow.

Mr. SWANWICK, from the Committee of Commerce and Manufactures, reported a bill making an appropriation for the prosecution of the claims of our citizens for property captured by the belligerent Powers. Referred to a Committee of the Whole to-morrow.

Also, a report upon the petitions of sundry manufacturers of soap and candles, of manufacturers of cordage, and of Stephen Addington, calico printer, who severally prayed for regulations in their favor with respect to duties and drawbacks. The manufacturers of soap and candles labor under disadvantages from no drawback being allowed upon soap and candles manufactured from foreign tallow, though there be a drawback allowed on foreign candles when re-exported. The committee mentioned three modes of remedying the grievance: the first, by taking off the duty on tallow imported; the second, by refusing a drawback to foreign soap and candles re-exported; the third, allowing a drawback on soap and candles manufactured from foreign tallow. The first mode was preferred; but, from various considerations, they thought it best to defer making any regulations with respect to the business this session. Similar reasons influenced the same conclusion with respect to the other petitions. The report was referred to a Committee of the Whole to-morrow.

The bill in addition to an act for granting certain lands to J. C. Symmes was read a third time and passed.

INDIRECT TAXES.

On motion of Mr. HARPER, the House then went into Committee on the bill laying additional taxes on articles imported.

Mr. HARPER said, he had moved, in a former stage of this subject, that one cent should be substituted on brown sugar, instead of half a cent; that motion had been rejected; but he supposed many gentlemen had voted against it, because they thought another, and, in their view, a preferable mode would be adopted this session; that not being to be brought forward, he had now thought

to renew the proposition. There had been great difference of opinion on the subject of additional revenue: some gentlemen had said it could be done without, while others thought an increase absolutely necessary to supply the current wants. It was, indeed, a predominant opinion at one time that it was wanted; but many of those gentlemen now thought a very little might fully answer the demand. The last idea, he presumed, was founded on the supposition that the revenue of the present year would be as productive as the last. They were informed that the duties of the year 1796 exceeded those of 1795, four hundred thousand dollars, and it was presumed the present would be adequate to the last; but it was to be observed that the expenses of 1798 were to be paid out of the duties collected in 1797, which revenue is quite uncertain, and from two causes: the great fall of American produce in the European markets, which, in almost all articles, our merchants have felt to amount to from thirty to forty per cent. Such a loss must be severely felt. Secondly, the great depredations committed on our trade by the French Republic during the present year more than the year 1796, was another serious injury to our revenue. The revenues received in 1796, which arose from the importations of 1795, were very little injured by British spoliations, these having taken place in 1793 and 1794. The receipts of 1795, from the importations of 1794, were affected, but those of 1796 were not, as in 1795 our produce bore a very high price in Europe, and found a ready market, either of which would prevent the small depredations committed from affecting the revenue that year, and that not having been so much applicable to 1796, the revenue of 1797 would not be so productive, at least it might be fairly conceived so. In addition to this, great part of the capital of our merchants has been detained in foreign countries. By this capture we know that it has been the case to take the cargo of our vessels, and draw bills for this cargo; some few of those drawn at the commencement of this practice have been paid, but a great part not. The amount of property so captured was computed at four or five million dollars, and this, though it did not much affect 1796, will materially affect 1797. For these reasons it would plainly be seen, that the revenue of the present year, which was for the service of the year 1798, could not nearly equal that of 1796 for the service of the current year.

If this be so, said Mr. HARPER, the whole foundation on which gentlemen build their opinion, without additional aid, will be taken away, and their schemes fall to the ground. He meant only to show gentlemen the precarious nature of commerce at present; this those very gentlemen had anticipated him in, and their arguments were then so forcible as almost to incline him to relinquish his support to a revenue from external taxation at present; but those gentlemen since tell us, notwithstanding their former arguments, that we are not to calculate upon the revenue of 1795 but 1796, and then we shall have enough: that, Mr. HARPER said, was the most prosperous year

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that ever was known to American commerce; then the depredations of the British had, in a great measure, ceased, and those of the French were scarcely known; this was a propitious period. They could not therefore count upon future revenue equal to that. He had no doubt but the revenue from our commerce could be made very great; but there might be room to doubt whether, at present, it might be prudent to go to those lengths which may hereafter be requisite; all the investigation of the subject he had heard, tended to confirm him in that opinion: but were they to reckon upon the revenue to be received in any one year, the estimate should not be at the rate of that only, but make the calculation upon a more regular foundation; the great fluctuation of commerce would render it injudicious. Suppose, for instance, we were to calculate the revenue of 1797 at six millions two hundred thousand dollars, the amount of the revenue of 1796, and by the reflux of our commerce three or four hundred thousand dollars short of that sum were to come into our Treasury, this deficiency would leave the finances of the country in a situation of the most serious embarrassment: it was well known that foreign loans could not be obtained, as Great Britain gave extraordinary sums of money to carry on the war; and Holland is so drained from the same cause that no hopes can be built there; nor can loans be obtained in this country; they had tried to sell the six per centum stock, on very advantageous terms, but could not dispose of it: even Bank shares, which would usually bear a good market had been obliged, by the large advances it had made, to be sacrificed: indeed it was well known that existing circumstances called for it, and therefore no very effectual assistance was to be expected thence. No doubt but the Bank would strain all its power to assist the Government, but it would be improper to depend on its will alone; and if there should be a deficiency of four hundred thousand dollars, it would be too late when Congress again meet to pass a law for raising further revenue. No, we must do it now, or we shall leave our finances in this state of uncertainty to which it is constantly liable, except a more certain provision is established.

Mr. HARPER said, that by the proposed taxes, 300,000 dollars might be estimated; the Secretary of the Treasury only estimated 120,000 or 200,000 dollars; this, he thought, would not meet the probable expenses of Government. No. As he said before, there would be a reflux, and therefore to provide a secure sufficiency they must have four or 500,000 dollars, for which reason he should renew his motion to raise the article of sugar from a half cent, as proposed, to one cent. In addition to what he had remarked, he would say, that they had failed in the proposition of a tax on salt; it was thought a tax might as well be put on that article as on sugar; that having failed, he therefore hoped that persons who voted against this, to introduce that, would now support the amendment. He hoped it would be agreed to. Should it take place, it would be necessary to make some alterations in the bill accordingly.

Mr. GALLATIN hoped the motion would not prevail; indeed, he thought it so inexpedient to advance the duty on brown sugar in so large a proportion, that that reason alone, he hoped, exclusive of any other, would be sufficient to induce the Committee to reject the motion; nor would he have again troubled the Committee on this subject, but have left the proposition unnoticed, had not the gentleman from South Carolina made some observations, which, he supposed, were meant to be applied to him; he had reference to those relating to a dereliction of opinion respecting a direct tax. He believed he was the only person who had said, that he was not desirous that the bill laying a direct tax should pass this session. For it was true, that, although he was a strong advocate for a direct tax—although he thought a sufficient permanent revenue could not be drawn from any other source, yet he did not wish the law to pass during the present session; and the reason was, because he had not a sufficient reliance upon his own opinion, to wish a subject of this sort to come into being against the opinion of so many members of this House as appeared to be opposed to it. When the United States shall think it necessary to go into the measure, he trusted it would pass with great unanimity. At present, he doubted whether a majority of the country was not against the measure, especially when he not only saw so great a division in that House, but apparently a local division, as he believed only four members East of Hudson's river, and but five South of Virginia had voted for the measure, by which it appeared to be a mode desired only by the middle States. Until, therefore, gentlemen from those parts had returned home and consulted their constituents upon the subject; until he knew that the law could be carried into effect with more unanimity than at this time appeared, he did not wish to press it. He was willing, therefore, to take all the blame which was imputable to this circumstance upon himself. He never wished the powers of Congress to be exercised in a way which should not meet with pretty general concurrence. Yet, had he thought the situation of the United States had been such, that additional revenue was absolutely necessary to support the public credit, and it could not have been conveniently raised from any other source, every other consideration would have given way to that necessity. But he did not think that anything which had been said by the gentleman from South Carolina showed that there would be any deficiency in the revenue for the present, which would require additional taxes to supply it.

He would just observe, that the great argument in favor of direct taxes—an argument which had almost wrought conviction upon the mind of the gentleman from South Carolina himself—was the uncertainty of a revenue derived from commerce; and yet, from this circumstance, the friends of indirect taxes wish to extend that plan to the utmost, and raise everything from it. He should have drawn different conclusions; and from that uncertainty, he should have wished never to have

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gone beyond those bounds which they knew were safe.

As to the receipts of 1797, Mr. G. said, we had well ascertained them, because they arose from the importations of 1796, which they knew amounted to 6,200,000 dollars, and which sum, with the internal duties, would be fully adequate to the expenses of Government for this year. Yet some gentlemen thought the calculation too close, and therefore the additional duties before them had been consented to, which he believed every one must acknowledge would be fully equal to any deficiency that could possibly arise. The arguments of the gentleman from South Carolina applied to the year 1798. He said we did not know what might be the amount of the importations of the present year; that it might be less than last year, and therefore, that revenue ought to be provided to supply the deficiency, if there should be any. The arguments would be good, if the gentleman's data were true; but he had forgotten that the expenses of 1798 would be less than those of the present year by 700,000 dollars, including not only the current expenses, but the instalment of the Dutch debt, which in that year would only be 100,000 dollars. The instalment this year is 400,000, so that in this item there will be a difference of 240,000 dollars; in the next place, the 280,000 dollars which this year has been agreed to be paid to the Dey and Regency of Algiers, will not occur again; and also, the 180,000 dollars appropriated for finishing the frigates, would not be to provide another year. These three items made the 700,000 dollars which he had mentioned. In addition he would add, that this year there had been a charge of 200,000 dollars for the defence of the frontier in 1795; but perhaps something might be wanted in that quarter another year, and therefore he would pass over that sum. But he thought there could be no danger of a want of revenue in the year 1798.

Mr. G. said, he would not pretend to say that it would not be desirable to increase the revenue, in order that they might pay a part of such instalments of the foreign debt as would become due after the year 1801. Certainly the sooner our debt could be paid, the better; but he meant only to show that there was no necessity for increasing the revenue for 1798. If it were necessary to raise additional revenue, it would be for two principal objects, the payment of the Dutch debt and the eight per cent. deferred stock; but as these did not become due till the year 1801, they were not under the necessity of providing the means for it at present.

During the next session, Mr. G. said, they should have time to compare the two systems of taxes together, and to discover which offered the best and most permanent sources of revenue. For the reasons he had given, he should be opposed to the motion.

Mr. W. SMITH said, he should not adduce many arguments to show the propriety of advancing the duty upon this article any more than that upon any other; but he wished to bring before the Committee a true statement of the receipts

and expenditures of the United States, in order to show what sum of money would probably be wanted to answer the demands of the United States. As he differed considerably from the gentleman from Pennsylvania as to our real wants, he considered it as his duty to lay this statement before the Committee. He had investigated the subject with as much accuracy as possible. He had attended to the documents which had been laid before them, to the laws which would probably pass this session, and to the probable increase of revenue. The result of this examination was, that there would be a deficiency of about a million of dollars. To what the additional imposts already agreed to would amount, he could not say, but he believed they would make 200,000 dollars, which would leave a deficiency of 800,000 dollars. He made the following statement:

Expenses of 1797.

Civil list	-	-	-	-	\$634,323
Military and Naval Establishment and pensions	-	-	-	-	1,284,532
Deficiency of 1796	-	-	-	-	201,000
Algerine appropriation	-	-	-	-	376,500
Interest of Domestic Debt	-	-	-	-	3,471,972
Interest on Dutch debt	-	-	-	-	614,241
Instalments do. do. 1797	-	-	-	-	400,000
Premium remitt. &c.	-	-	-	-	50,000
Appropriations for frigates	-	-	-	-	171,000
					<u>7,213,567</u>

Revenues of 1797.

Impost	-	-	-	-	\$ 5,588,961
Internal revenues	-	-	-	-	337,255
Post Office	-	-	-	-	35,000
Bank stock	-	-	-	-	150,000
Stock redeemed	-	-	-	-	88,636
Sundries	-	-	-	-	746
					<u>6,200,598</u>
Additional imposts in 1797	-	-	-	-	200,000
					<u>6,400,598</u>
Probable deficiency of revenue	-	-	-	-	812,969
					<u>7,213,567</u>

It would be observed, Mr. S. said, that the gentlemen from Pennsylvania and Maryland, had calculated the impost at 6,200,000 dollars, whilst he made it only at 5,588,961, which he took from the Secretary of the Treasury's statement, and he believed this was the safest calculation. He would not go into any very long argument on this subject, because it had frequently been under discussion.

Mr. GALLATIN inquired from what document Mr. SMITH took his calculations?

Mr. W. SMITH answered, from the report of the Secretary of the Treasury, which was calculated upon a permanent plan. In calculations on the subject of revenue, the largest amounts should not be taken. It was not policy in gentlemen to adopt that plan; they should make allowances for deficiencies and accidents. The situation of this

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country at present required it, and it would be safe, prudent, and discreet, to do so. The Secretary of the Treasury had estimated the internal revenue at 337,255 dollars, while those gentlemen made it 469,579. This they stated from the revenue of last year, which it was probable would be considerably more than this. He thought there was as much reason for taking one as the other statement; and the Government would be exposed to hazard and danger, unless allowances were made for deficiencies.

The deficiency, according to his calculation, was 1,012,969 dollars, and after deducting from that sum 200,000 for the additional duties in the bill before them, there would remain a balance of 812,969 dollars. Admitting the gentleman's own statement to be true, there would still be a deficiency of 100,000 dollars, and this without making any allowance whatever for accidents and occurrences which will always happen, without making any provision for the purchase of the public debt, which might at this time be purchased to great advantage. If there had been money in the Treasury for the purpose, instead of paying the debt at par, it might have been bought up at 16 or 17s. in the pound. And he was of opinion, from the present situation of things, the Public Debt would remain low, and that a surplus in the Treasury might be well employed in purchasing it.

So much for the revenue and expenses of the present year. With respect to 1798, there was no necessity to go much into that subject. The gentleman from Pennsylvania had estimated the instalment of the Dutch debt, payable in this year, at 160,000 dollars only; but he asked whether it would be wise to pay only that sum? And whether it had not been in the contemplation of that gentleman, as well as others, to pay as much as they could yearly? He knew they should not be obliged to pay more; but he believed it would be a wise policy to pay an equal sum every year. That gentleman made another deduction of 280,000 dollars, which had been granted to the Dey and Regency of Algiers this year; but might they not expect items which they did not contemplate, to this amount? Contingencies, he said, occurred, which always swelled the expenses greater than were contemplated. There was always something of an extraordinary nature occurring to call for money; either an Indian war, or insurrection, depredations of foreign Powers, or attacks by the Algerines. There was no guarding with certainty against them. The next deduction was 100,000 dollars for the frigates. Whether this would be saved or not, was uncertain. The next House might agree to go on with the frigates.

Upon the whole, Mr. S. said, it would be prudent to provide a sufficiency of revenue, and there was no prospect of getting it from any other than the objects contained in the bill before them. A land tax was agreed to be laid aside for the present, as gentlemen from the Eastward seemed wholly against it, and those of the middle States seemed to have grown lukewarm upon the subject. The duty on stamps, which would have

provided considerable revenue, was also laid aside. They had agreed to lay low duties upon distilled domestic spirits; no increase could therefore be expected from that quarter. They could, then, only resort to such articles of impost as would be likely, from their general demand and other circumstances, to produce additional revenue. As, therefore, no prospect appeared of getting other revenue than by the articles before them, he should be compelled to agree, though with reluctance, to the advance of the duty on sugar.

With respect to their lands, they had authorized public stock to be received in payment; and, though he thought this a very valuable regulation, both for facilitating the sale of the land, and for paying off the debt, the lands, on this account, would not produce much cash into the Treasury.

Mr. S. SMITH said, very early in the present session, he read, with some attention, the report of the Secretary of the Treasury on the subject of direct taxes. He cast his eye upon certain articles which he thought proper subjects upon which to raise further sums from indirect sources, among which were salt, sugar, tea, and the whole of the 10 per cent. class of goods; he communicated his sentiments to other gentlemen, and they had been brought forward.

He supposed the House would have gone into a system of direct taxes. This he had always considered as a difficult subject, and he never could, himself, form a plan adequate to effect it; but he was desirous that the subject should have been taken up, that in case of extremity it might be called into operation. He did not think any immediate wants of the revenue required this tax to be put into execution, but he wished to take it into consideration, to see what could be done with it. He had still his doubts whether it could be carried into execution; if it could it would doubtless form a valuable source of revenue, which could not be injured. He had no doubt, however, of the present revenue being equal to our present wants. The gentleman from South Carolina [Mr. W. SMITH] had taken his calculations from the report of the Secretary of the Treasury; but the Secretary went into a permanent calculation for a period of 18 years, in the course of which he calculated the sinking of the whole debt.

The trade of 1796, Mr. S. said, would give nearly a million of dollars; of course there could be no apprehensions upon the minds of gentlemen that the receipts of 1797 would not be equal to the wants of Government. The tax upon sugar would produce 300,000 dollars. The gentleman from Pennsylvania [Mr. GALLATIN] was correct on this subject.

The gentleman from South Carolina [Mr. W. SMITH] had said, it was not wise to calculate upon the highest returns; but Mr. S. SMITH said it was right to calculate upon a preceding year, and when they knew that there would be received in this year from 700,000 dollars to one million, there could be no doubt of the year 1798 falling far short of that sum. For he was not one of those who thought the revenue arising from this year would be much inferior to that arising from the last.

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The gentleman from South Carolina [Mr. HARPER] had supposed that the British spoliations had not affected our revenue, but that those of the French would be severely felt. He saw no difference between them, and believed they would be felt alike in proportion to their extent. [Mr. HARPER explained.] He believed the United States would only consume a certain portion of the goods imported; the rest would be re-exported, and the drawback received upon them; and, as he did not believe the consumption of the United States had been lessened, it would follow that it had been the re-exportation which had been diminished, and, of course, that it would not be the duties which would be decreased, but the drawbacks. This being the case, little was to be apprehended from a defalcation of the revenue this year.

Indeed, he was of opinion, that the revenue arising from the present year, would be equal to any preceding year. The expenses of 1797 would be as follow :

Estimate for the year 1797.

Instalment due on part of the Dutch debt, with interest on the whole debt, together about -	\$ 992,000
Annual 8 per cent. and 6 per cent. stock -	2,324,175
Annual interest on 3 per cent. do. -	587,926
Ditto on 5½ per cent. do. -	101,689
Ditto on 4½ per cent. do. -	7,920
Ditto on supposed unfunded debt -	78,261
Ditto on Bank loans -	372,200

4,463,971

Internal expenditures (as below) - 2,255,255

\$6,719,226

Civil List, Mint, and Diplomatic, (agreeably to the Secretary's report, estimated on the session of six months) - 564,753

Deduct savings arising on the session of four months only - 52,800

511,953

Bill for foreign intercourse - 40,000

Light-houses - 45,647

Miscellaneous claims - 12,000

\$ 609,600*Military Department.*

Pay of four regiments and artillery corps -	\$256,450
Subsistence -	236,900
Clothing -	75,000
Bounties -	16,000
Hospital Department -	25,000
Ordnance -	40,000
Two instructors -	1,450
Quartermaster's Department -	150,000
Defensive protection -	60,000
Indian Department -	90,000
Contingencies of War Department -	15,000
Repairing fortifications -	20,000
Military Pensions -	93,350

\$1,079,150

Naval Department -	\$ 190,000
Balance due on Algerine business -	376,505

Internal expenses of 1797 - 2,255,255

The expenses of the Quartermaster's Department would in future be considerably lessened; for, said Mr. S., heretofore great expense had been incurred by land carriage, which in future would be avoided, as the forage would all be conveyed by water. Indeed it had not been an unusual thing for the horses employed in conveying forage from one post to another, to eat the whole of it in their journey to and from their destination, and some horses had been known to die from want on the road. The conveyance being now by water, a great destruction of horses would be prevented, and he doubted not that one hundred thousand dollars would be saved under this head.

Mr. S. said, with respect to the internal revenue, he would call back the recollection of the gentleman from South Carolina [Mr. W. SMITH] to the time when the excise system was under consideration: \$400,000, at that time, was the sum estimated to be raised from that source. Besides this, there had been a new duty on carriages; yet they were now told that \$337,255 only could be expected from this quarter. Did not the gentleman know that till lately some parts of the State of Pennsylvania had scarcely paid any duty at all, but that now the duty was generally collected? and, so far from its being lessened by the law lately passed, he trusted it would be very considerably increased.

It might be a pleasant thing, Mr. S. said, for gentlemen unconnected with commerce to talk about the embarrassments of commerce, but he did not believe commercial men would feel themselves much obliged by such lamentable views of their situation as were taken in that House. It would not have been a very agreeable sound in a foreign country, to hear that three or four of our merchants had been arrested for their debts; this was not a very pleasant thing to become everywhere the subject of conversation. Such assertions, he said, went to destroy the credit of our merchants abroad. Although it might happen, from some temporary embarrassments, that the bond of a merchant at the custom-house might be put in suit, because if not paid the moment it became due, the collector was obliged to put it in suit; but he believed the American merchants had always honorably paid their duties—they had done it, and they would continue to do it. It was true, merchants had suffered much from commercial embarrassments, but they had now nearly got clear of them; they were doubtless inconvenient to the merchant, but he did not believe they would at all injure the revenue. The law said, a merchant who once failed in the payment of his duties would have no credit in future; therefore, whatever else went unpaid, a merchant would take care that his duties were paid.

Much of the embarrassments which had arisen had been owing to derangements of a temporary nature, and mostly from what had happened in

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this city; but it was now found that the Banks could again discount as much as they ought to discount. Bank Stock had risen 3 per cent., 6 per cents were at 16s. 4d., and this day had sold for 17s., which did not bear an appearance so very distressing as had been too frequently painted; and he thought gentlemen should be better informed before they dwelt so largely on the embarrassments of the merchants.

The gentleman from South Carolina [Mr. W. SMITH] had stated an expense of \$50,000 as an expense for premiums, remittances, &c., in the payment of the Dutch Debt. This was estimated by the Secretary of the Treasury when he was taking into account his eighteen years' plan, in the course of which various losses, &c., might be expected. He knew the Secretary of the Treasury could not remit at par, and he would not be charged 5 per cent. for doing business which he or any other merchant could have done for one-half per cent.

Nothing which had been said upon this subject had convinced him they stood in need of additional revenue for this year; but he would consent to the taxes in the bill before the House, but to go farther he believed would be impolitic and improper.

Mr. WILLIAMS observed, that were we calculating for our revenue to amount to a certain sum, and that any overplus would be lost to Government, it would be worth while to enter upon the subject with all the accuracy the nature of the case would admit of; but should the revenue amount to more than was necessary for our present exigencies, it was by law to be applied towards the reduction of our debt—a thing so desirable.

He had read a book published by the gentleman from Pennsylvania, [Mr. GALLATIN,] who was opposed to the motion, in which that gentleman endeavored to show that our debt had been constantly increasing under the present Government; the same gentleman had also said that, in case of any defalcation in our revenue, the Commissioners could sell more Bank Stock. Mr. W. said, he would ask if this was a proper mode of finance—if it corresponded with that gentleman's observations heretofore on the National Debt? Were we to bring our Bank Stock into market for sale, especially when stock is so low, we should not only injure the public, but individuals? The gentleman from Maryland [Mr. S. SMITH] had said that 6 per cent. stock was at 17s. The papers say 16s. 4d.; some had been sold at 16s. 6d. The low price of stock must operate much to the disadvantage of this country, and if difficulties did not exist in Europe, by which money was in great demand there, our stock would be purchased by foreigners, and a loss of whatever is sold below par Government would have to pay for it at par. By the act of the 3d March, 1795, the public faith was pledged for the reimbursement of the debt, we ought, therefore, not only to prevent stock being sent to market, but use our endeavors to keep up its price. Indeed, had Congress two years ago laid on more duties, and purchased up a part of

the Deferred Stock, they would have acted wisely. He wished the gentlemen's calculations who opposed the raising of more revenue to come out right, but he doubted it. It was well known that our expenditures overran calculation. A few days since they were called on for \$201,312 for the defence of the frontiers; it was also said that upwards of \$100,000 more would be called for to complete the payments for services of the like nature; \$24,000 was appropriated for fortifications, and other necessary claims were before them, which were not taken notice of in the gentleman's calculations. If the Post Office bill was passed as it went from that House, there would be a great diminution of the sum from that quarter—perhaps not a dollar would be raised by it. But, said Mr. W., the objection to raising money by indirect taxation was in consequence of the wishes of gentlemen for direct taxes. He wished that system to be kept out of sight, until indirect taxes were found insufficient. He hoped, therefore, the motion would be adopted, which would bring in \$110,000, and not be felt by the consumer.

Mr. THATCHER wished to say a word in answer to what had fallen from the gentleman last up, with respect to the revenue arising from the Post Office. That gentleman believed a single dollar would not arise from that source if the present bill passed; on the contrary, he was of opinion that \$40,000, if not \$50,000, would be received from thence if the bill passed.

Mr. SWANWICK said it was a most extraordinary thing, in the present scarcity of that article, that sugar should have been fixed upon as the fittest object from which to increase our revenue. It was well known that most of the sugar brought into the United States came from British islands in the West Indies, and that the French were now constantly intercepting our vessels employed in that trade. The communication with the Havana was at present almost destroyed, and no vessels were going there. But the gentleman from Maryland [Mr. S. SMITH] seemed to be of opinion that there would always be sugar enough imported for home consumption; but, in forming this opinion, gentlemen referred to the situation of last year, which had nothing to do with the present. It had also been estimated, that because \$600,000 were produced by the present revenue, the duty being increased one-third, it would produce \$200,000 more. This was by no means certain. In the first place, from the great augmentation of price, owing to the distressed situation of the West Indies, he apprehended so much would not be consumed; since, when the incomes of persons were diminished, they would endeavor to limit their expenses. And that the frequent losses of merchants of \$30,000 here and \$20,000 there, would not affect their own circumstances and others, could not be believed.

It had been observed, that, by speaking of the embarrassments of our merchants, their credit might be hurt in England. He did not think it would have that effect. The English were in great want of a market for their manufactures, so much so that if a dealer in dry goods gave an or-

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der to the value of one thousand pounds, the English merchant would send him to the amount of two, on his own risk; not so much from a wish to credit the American merchant as from a desire to find a market for his goods. No embarrassments in the commerce of this country, therefore, would make the British merchant ship less, except another market should open to him. But was not there some danger, he asked, even in this trade being intercepted? There certainly was; since the greater interest the British had in sending their manufactures to America, the greater inducement there would be for the French to prevent this trade, and this might not arise from any desire to injure us, but to affect their enemy.

Whether a peace should take place in Europe or the war should continue, our revenue, Mr. S. said, would be likely to suffer. If a peace were to take place, England would find other markets for her goods, and the price of produce and all kinds of property falling in value, people would be able to consume less of foreign productions. He therefore thought those gentlemen right who calculated upon the necessity of an increase of revenue.

Much, Mr. S. observed, had been said about the embarrassments of commerce. They had been called temporary, that they were now mostly passed over, and were said to have chiefly arisen from derangements in this city. He did not believe this was wholly the case, or that they were at an end; and he thought when money was loaned at 2 1-2 and 3 per cent. per month on good security, it could not be said that the banks were able to give sufficient discounts.

Mr. S. SMITH said, the money for which 2 and 3 per cent. per month had been paid had nothing to do with fair commerce; that kind of business would always go on, though the banks discounted ever so liberally.

Mr. SWANWICK was certain that the exorbitant price of money was a strong proof of the embarrassments of commerce; it showed that things were not sound, and that they must undergo a revolution. The banks, it was true, would discount to a certain amount; but they sometimes used very curious arguments about the claims which different persons had upon them, and were by no means certain sources for cash.

It was necessary, therefore, sometimes to have recourse to brokers, and when that was the case, however good might be your security, the price was paid which he had above stated.

Much stress had been laid upon the expenses of Government being less in the next year than in this. He did not believe this would be the case; he believed the expense of Government would increase every year, notwithstanding all the economy of that House; for, though some gentlemen might be inclined to be economical in one article, they seemed to have no objection to be lavish on another; for every expense introduced failed not to find its advocates. He did not believe anything would tend so much to introduce economy into our Government as a direct tax; because a man would then know what he paid for the expenses of Government; but whilst the revenue was

wholly paid from indirect taxes, persons never knew what they paid towards the public expenses, and therefore they felt easy about public expenditures.

With respect to the proposed additional half cent on sugar, it was very immaterial. He did not think it would produce anything into the Treasury. If the quantity of revenue raised upon sugar last year could be continued, it would be as much as could be raised. He doubted whether, if the advance were made, so much duty would be raised as heretofore.

It was said, if there was any deficiency of revenue, the remainder of the Bank Stock might be sold. It was to be regretted, he observed, that it had not been sold some years ago, or at the time when the last was sold at 25 per cent. above par. Gentlemen had mentioned a considerable rise in our stocks; if that were the case, he supposed it arose from a prospect of peace in Europe. Such an event might have that effect, and he was inclined to think the probability had produced the change which they had been told had taken place.

Mr. HARPER said, he desired no better arguments than those of gentlemen themselves to prove the propriety of his observations, and of adopting the amendment. The propriety of this measure rested upon the uncertainty of the present revenue. Some gentlemen, who would justly lay claim to accuracy in their statements, tell us that the revenue arising from importations, &c., of the present year, would be sufficient to the necessities of the next; while some, equally well informed, tell us there will be a deficiency of \$800,000. While such a great difference exhibited itself, he would ask, was the House to depend upon mere opinion for the support of the American Government? If so, said he, and we should come short of enough, to whom are we to resort? Shall we apply to the gentleman from Pennsylvania? It is his opinion that others are quite wrong and he is quite right, but this is not a foundation on which to build the financial credit of the country. According to some, we shall have money enough, but this, he said, was a mere conjecture—quite an uncertainty. Mr. H. could not think any gentleman would wish to let the finances and credit of the country remain exposed to a deficiency, and not have any funds provided to replace it. When the question was on the different mode of raising taxes, he said, then it must be left to rest on every man's opinion; but when on the quantity to be obtained, then gentlemen ought to doubt, every one his own opinion, and respect the report of the Secretary of the Treasury, who, from his examination of the subject, can best judge. Suppose, he said, gentlemen should not be right; no foreign or domestic loans; the Bank already strained enough, we should then be reduced to great embarrassments; but if we are wrong in our idea, and the money is not wanted, it might go to reduce the Public Debt, and no injury be sustained; otherwise, the public faith might be violated, which he hoped would never be the misfortune of this country.

He would observe, that the gentleman from

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Pennsylvania was not, as he supposed, exclusively alluded to; he did not know that gentleman was the only person who, after having preached a long time in favor of a direct tax and the deficiency of the revenue, should quietly give it up at last, and say, we now want no money! As to the abandonment of the system of direct taxation, Mr. H. thought it was impossible to carry it into effect; he thought the difficulties insuperable, and therefore it would always remain so. Some gentlemen said, that before they went to decide upon the abstract principle, they ought to know upon what principles it should be founded; but no, it was thought proper to decide upon it without looking into the detail. The very moment the bill made its appearance in the House, after having been examined by the Secretary of the Treasury, and the Committee of Ways and Means had spent a fortnight, those who before were its warmest friends abandoned it as radically bad; they saw the impracticability of it. What, then, he would ask, does this teach us? Why, that we cannot look to this, because it cannot be effected; consequently, we must apply to other means.

Mr. H. hoped that what the gentleman from Maryland [Mr. S. SMITH] said was truth, viz: that our merchants are not much embarrassed; he could sincerely wish no embarrassments did exist, but when he was so informed by at least a dozen of the greatest merchants in this city, he must beg leave to differ from him. Mr. H. thought there was much embarrassment attending commerce, but he also thought the country would soon get over it, although much revenue must be lost by it.

With respect to spoliation, and detention in foreign ports, he should not enter into a detail, as that gentleman was a mercantile man, and doubtless understood it best; but this he knew, that, if merchandise which ought to arrive in our ports were carried into a foreign capital, it must produce a bad effect on our revenue; and though you may raise a revenue from domestic sources, yet the ruin of commerce will have a serious effect on that internal source.

As he did not believe this deficiency of revenue would be permanent, Mr. H. said he only wanted aid to it until a return of more prosperous days. He would even, notwithstanding very great objections to the system, agree to a land tax, rather than fall short of the present wants from the impost system, as it was so very precarious. As to the article of brown sugar, the Committee had fixed on it as a proper object for extension, and, by a proper advance, he thought there would be no necessity to attempt to encounter the difficulties attending a direct system.

The question was then put and negatived—there being only 25 in favor of it.

Mr. CORR said, there had been a report from the Committee of Commerce and Manufactures which was referred to this Committee, recommending the duty on cocoa to be lowered from four cents to two cents per pound. He wished the report to be read. [It was read accordingly.] This report was grounded upon the petition of some chocolate manufacturers who complained of the hardships they

lay under from this heavy duty. The Committee of Commerce and Manufactures were of opinion that this additional duty, by depressing the manufacture of chocolate, and encouraging the re-exportation of cocoa, upon which a drawback was consequently received, raised very little more duty than when at two cents.

After some few remarks by Messrs. COIT, S. SMITH, and SWANWICK, in its favor, and Mr. GALLATIN against it, the question was carried without a division.

Mr. GALLATIN moved an additional section, to the following effect:

"And be it further enacted, That the money arising from these duties shall be solely appropriated for the following purposes, viz: for the payment of the principal of the Foreign Debt of the United States, and for the principal of the Debt now due to the Bank of the United States."

The section was agreed to.

Mr. HENDERSON moved to strike out the words relative to white cotton goods, and to insert, "all that class of goods which pays 10 per cent. ad valorem." He thought that the whole of this class of goods would bear an addition of $2\frac{1}{2}$ per cent. equally with the white cotton goods, and would, at the same time, bring a very considerable sum into the Treasury.

Mr. S. SMITH agreed with the gentleman from New Jersey, that if they increased the duty upon all the 10 per cent. class of goods, it would be more productive to the revenue, and be no more objectionable than the duty on white cotton goods. He would, however, rather not go into these duties at all, as nothing was more deceptive than the idea of these duties being cheaply collected. It was generally thought that the duty on imposts was collected for $2\frac{1}{2}$ per cent.; but, was this the fact? If it were, he would acknowledge it was the best mode of collecting revenue. Before the formation of the present Government, he said, individual States were in the habit of collecting direct and indirect taxes; but there was not a solitary instance where, when indirect taxes amounted to 5 per cent., they had not resort to direct taxes. He called gentlemen's recollection to the fact, that the original plan of the General Government was caused by a five per cent. duty being laid, which different States were averse to, and which caused gentlemen to turn their attention to the origin of this Government. If individual States did not think it right to pay 5 per cent. upon their imposts, it ought to caution us against attempting to raise all our revenue from that source.

Mr. S. said he had already observed that persons generally believed that an impost duty only cost $2\frac{1}{2}$ per cent. in the collecting. He had made a calculation upon the subject, and found it to be the most expensive of all other taxes in the collection. It would be found, from the various hands through which it went, that every £133 collected from an impost of $12\frac{1}{2}$ per cent. duty, only £95 found its way into the Treasury. This would show the impolicy of raising all our revenue from this source; for though, said he, the people do not know that they pay the tax at so dear a rate, we know it,

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and ought not to proceed with it. The people were of opinion the merchants paid this tax; but we know, added he, that they are merely the insurers and collectors of the duty. They pay no more of this duty than any other class of men who consume a like quantity of imported goods. The people, he believed, had been deceived in this respect, and he thought some members of that House had also been deceived. The following statement would show the matter in a clear light:

A View of the operation of Direct and Indirect Taxes.

£100 sterling cost of goods, usually sold (before duties were known) to the retailer for currency	-	-	£200	0	0
The usual profit required by the retailer is 25 per cent. on what goods costs him	-	-	50	0	0
Cost of £100 sterling to the consumer	-	-	250	0	0
Suppose a duty of 12½ per cent to be laid on the same goods, the importer will expect to get for the £100 sterling, £225 at the least	-	-	222	10	0
Retailer's profit thereon, 25 per cent.	-	-	55	12	6
Cost to the consumer will then be	-	-	278	2	6
Deduct the amount the consumer would pay, if free of duty	-	-	250	0	0
Actual difference to the consumer	-	-	£27	2	6

Thus, then, on every £100 sterling cost of goods which pays a duty of £12 10s. sterling, or £20 16s. 8d. currency, the consumer pays, on the most moderate calculation, £27 2s. 6d., or for £100 currency, paid to the Collector of the Customs, the people actually pay above £133. Deduct the expenses of collecting from the £100 paid to the Collector, (say 5 per cent.,) and you then have but £95 currency paid to the Treasury, for what costs the people £133.

The direct tax will be	-	-	£100	0	0
Cost of assessment, averaged on ten years, and the annual charges of collecting, cannot exceed 7½ per cent.	-	-	7	10	0
Total	-	-	107	10	0
Then, every £400 paid by the people, brings into the Treasury	-	-	92	10	0
£100 paid by the people, indirectly, pays, agreeably to the above, into the Treasury	-	-	71	8	6
Difference	-	-	£21	1	6

Besides the vast difference in the expensiveness of collection of an indirect tax and that of a direct tax, there was another serious objection to increasing the former. It could not be said precisely to what extent these duties might be carried before smuggling should be invited, but this might be certain, that the moment the duties were so high as to offer a sufficient temptation, smuggling would be entered into, upon trade calculations, with respect to the advantages to be derived from it. This might be looked upon as certain; for, though

there were many of our citizens who had too much honor to enter into a business of this kind, there were others who would not scruple to do it; and, as it had before been observed, when the practice had once been begun, it could scarcely ever be got clear of. Of what vast importance, said he, is it then, to keep off this great evil from intruding itself betwixt the fair trader and the Government!

Mr. SKINNER said, if the statement of the gentleman from Maryland was just, the merchants would have no reason to complain on account of an advance of duty; though he could scarcely believe that they received a profit of 30 per cent. upon the duties paid on goods imported. It was well known, that merchants sometimes got good profits upon their risks, but at other times they only received a very low profit, and sometimes they were obliged to sit down with a loss. He believed the gentleman was mistaken with respect to what he had said concerning the individual States being dissatisfied on account of the imposts being advanced to 5 per cent. It was not from the amount, but from other causes. He did not think anything could be drawn from the doings of the States. Mr. S. said he was not alarmed at the profits of the merchants. If they could always sell goods as they pleased, they should all be for going into the trade; but he believed, from the number who were already engaged in this business, no more than a reasonable profit could be got.

Mr. S. SMITH said it was a reasonable profit only which he had spoken of.

Mr. KITCHELL doubted not the statement of the gentleman from Maryland might be true; but he believed that 25 per cent. would be better paid in this way, in addition to the duty, than the duty without the 25 per cent. would be paid in any other way. Farmers, however, were in the habit of bartering their produce for goods; and he believed the merchant would not give them so much, by 25 per cent., in cash, as if he paid him in goods.

Mr. HOLLAND said that the gentleman's arguments went to show that merchants were not more affected by indirect taxes than others; they therefore stood secure, either from imposts or direct taxes. If any mode could be adopted by which they might be called upon to contribute an equal proportion of the public burdens, he should be glad to adopt it; but as he knew of none which would do it more equally than an indirect tax, he should be for that mode of doing it.

Mr. S. SMITH was glad the gentleman last up had been induced to vote for any tax; but for the satisfaction which he seemed to enjoy, of exercising his talent a little against merchants, he would not, he believed, have voted for this tax.

Mr. HARPER said an inconvenience would attend the adopting of one article out of a class, and not the others, in the custom-house books. He had also conversed with men well able to give him information on the subject, who had informed him, that, if it was thought to be expedient to raise the duty on the article of white cotton goods, it might as well be done upon the whole class. He had conversed with the Secretary of the Treasury on this subject, and endeavored to learn from him why

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he had selected white cotton goods from the other articles of the same class; but he could not discover that he had any particular reason for the choice. He seemed to have apprehensions of augmenting the imposts at present; but he did not see why they should have apprehensions for this class of goods more than any other. He had also inquired in the House, and commercial gentlemen had said that it would be as proper to advance the whole as white cotton goods. If it were extended to the whole class, he believed it would raise \$250,000. This was a large sum, and it would be raised free from the embarrassments to which direct taxes would be subject. For Dean Swift did not say that two and two did not make four at the custom-house, but that they did not always do so. He trusted this was one of the cases in which two and two would make four.

The question was put and carried—46 to 29.

Mr. MADISON thought it was worthy of consideration, whether it would not be expedient to make an exception in favor of white cotton goods. He understood there was a manufactory of some consequence established in this country, whose business it was to print these white cottons; and if this exception was not made, this additional duty might go to the destruction of it. Indeed, as the printing of this article added, as he was informed, two-thirds to its value, it might be considered as a raw material. He believed this manufactory was carried on by persons who came from foreign countries. If their manufactory succeeded, it might induce others to follow them, to exercise their several professions amongst us, which could not fail to be of advantage to the country; but if the present manufactory should be destroyed, by one of our laws bearing hard upon its proprietors, it would have quite a contrary effect. He owned he was not much acquainted with the manufactory in question, nor had he made much calculation upon the subject; but, from the face of it, it seemed to require an exception. He therefore made the motion.

Mr. W. LYMAN voted for the amendment of the gentleman from New Jersey, [Mr. HENDERSON,] because he believed printed goods were included: he should, therefore, be in favor of the amendment. If this exception did not take place, the duty would be more oppressive than before. He thought it should be considered as a raw material.

Mr. BUCK said, the advanced duty would leave these goods upon the same ground as before, as the duty upon printed cotton goods was also increased.

Mr. SWANWICK said, there was a great quantity of this raw material imported, and if the manufactory in question was properly protected, we might have cotton goods sufficient printed in our own country to satisfy the demand, without being indebted to foreign countries. If a drawback could be allowed on exportation, perhaps it might answer a good purpose. He trusted the exception would be made; for he was sorry to see, last night, the sale of one of these manufactories advertised by the Sheriff. Ingenious, industrious men, he said, deserved better of this country.

Mr. SKINNER would be glad if any mode could

be hit upon, by which the manufactory mentioned might be excused from the duty, without letting that part escape free from duty which was not printed; and he believed one-tenth nor one-twentieth part of the white cotton goods imported were printed; and this part, he believed, would bear an additional duty as well as any articles imported into the United States. He thought some regulation might be fixed upon, by the manufacturers making entry of all that was printed by them.

Mr. HARPER believed that discriminations in favor of manufactures were in general bad policy. It was offering a bounty to one species of industry, at the expense of another. If the people of this country found it profitable to employ themselves in printing cotton goods, they would do so. He thought it best to leave these things to themselves. He did not believe one-hundredth or one-thousandth part of the cotton goods imported were printed; great part of these goods being of a fine and valuable kind, and such as were worn by persons of the first fashion. If any regulation were made at all, therefore, it should be done on those actually printed.

Mr. SWANWICK believed the gentleman from South Carolina had no accurate ground upon which to make the assertion which he had made, that only one-hundredth or one-thousandth part of the cotton goods imported were printed in this country. With respect to the East India commerce, (the benefits arising from which they had heard so much last session,) if it were to be of any considerable value to us, large quantities of these goods would be imported, and if they were not printed here, they would be re-exported to be printed in foreign countries, and the drawback, of course, received from them; but, whilst there were ingenious and industrious people here who carried on this branch of industry, would it not be a wise policy to give them every encouragement, in order that these goods might be printed at home? He thought it would. A moderate duty might still be paid by the manufacturer, as it was agreed that 12½ per cent. should be paid on printed goods imported; whereas, if the duty was continued as high upon white cotton goods as those printed, the manufacturer here would not be enabled to stand upon an equal footing with the foreign manufacturer, from the high price of labor which he must necessarily pay. This business stood upon the same ground as refined sugar manufactories, which were allowed a drawback on fine sugar exported; and if a drawback could not be conveniently allowed in this case, he thought there should be an excepting clause in its favor.

Mr. W. LYMAN said, gentlemen seemed to think it was the wish of the friends of this measure to give manufactories an advantage from the duty. This was not the case; they wished only that it should not be so high as to crush them. Would any gentleman say it was not better to have our cotton goods printed at home, than in foreign countries? Certainly not. And if an advantage was given to our own manufactures, in this respect, there would doubtless be less imported. When regulations were made in other Govern-

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ments to favor their manufactories, it was our business to counteract them. These applications had been made to the Legislature for two or three years past; they asked not for a bounty, but only that they might stand upon an equal footing, their difference of situation considered, with the manufacturers of other countries. He hoped the amendment would prevail.

Mr. N. SMITH said, it would be evident if there were no duty at all upon either white or printed goods imported, that they stood upon an equal footing; and he could not see how it could be supposed to be otherwise, when each paid the same duty.

Mr. HARPER again spoke at some length against the amendment; when

Mr. COOPER rose, and said he should vote against the amendment. He was so tired of hearing about manufacturing, and gentlemen had manufactured so many long speeches, that he should never like the word *manufactury* again. He thought it ungenerous and insulting to the common sense of the House: ungenerous, because it takes up so much of our time; and insulting, because it imposes upon our sense, and is only telling us we are a parcel of blockheads.

Mr. MADISON explained to Mr. HARPER, and then the question was put and negatived, ayes 23.

The Committee rose and reported, and the House adjourned.

FRIDAY, February 24.

The bill for regulating the compensation of Collectors, &c., was read the third time and passed.

AMY DARDIN.

The House proceeded to consider the report of the Committee of Claims, of the sixth ultimo, to whom was referred the petition of Amy Dardin, which lay on the table; whereupon, the said report was read at the Clerk's table, in the words following, to wit:

"That the most important, and all the material facts respecting this claim, are stated in the former report of the committee appointed to consider the said petition. To that report the committee now ask leave to refer. Whatever justice there might originally have been in this claim against the United States, it is now, and for many years past has been, as clearly within the statutes of limitation, as a multitude of others, which have been rejected. The committee regret that no relief can, with propriety, be granted to the petitioner, upon her application. So many evils would result from a suspension of the limitation acts, for the admission of claims similar to the one under consideration, the committee cannot recommend that measure to be adopted. They are of opinion the prayer of the petition ought not to be granted."

The question was taken that the House do agree to the said report, and passed in the negative—34 to 27; when Mr. GALLATIN moved that a committee be appointed to bring in a bill in favor of the petitioner. This motion occasioned some debate.

Mr. GALLATIN said, he rejoiced in the vote which had passed in respect to the report before them, as it was a precedent against the act of limitation. When a claim was clear, it was a denial of justice not to pay the debt. He did not think it was more justifiable in a Government to refuse to pay its debts, than it was in individuals to do so. Though an act of limitation had been passed, they ought only to consider it, in a modified sense, as a guard against fraud; but, in cases where they were convinced a debt was justly due, he did not see upon good principles they could refuse to pay it. He was sure there was not a member on that floor that would do so in his individual capacity. Nor did he believe they needed to be operated on by the fear of a number of these claims being brought; he believed their number was small. But, said he, shall we fear that we shall be called upon to pay a few more just debts? He trusted so unworthy an apprehension would not prevent them from doing what was right. The act of limitation was produced, he said, by an incapacity to pay the claims which were made upon Government, and now they took advantage of that capacity, by refusing to pay the just demands which were made upon them. The certificates which had been given, not worth more than one-eighth of their nominal value, had been scattered all over the United States, and the distance from the Seat of Government had been the reason application had not been made for payment. He spoke from his own knowledge. He had some of them put into his hands. Some of them he was fortunate enough to get paid before the act of limitation passed; others were yet unsettled. It was only since the erection of this Government, which had given them the ability to pay, that these claims were brought forward; for six or seven years every kind of claim was mustered, and the Public Debt was considerably swelled by them, but now a contrary extreme was observed, and no claim, however just, had a chance of being satisfied. He had never troubled the House on a subject of this kind before, but he had taken advantage of the fortunate decision of this morning to say a few words on the subject.

Messrs. HEATH, MACON, WILLIAMS, and D. FOSTER, were against a committee being appointed to bring in a bill; they hoped no partial regulation would take place, but that if any exception was made, from the operation of the act of limitation, it would be done in a general way, as there was a great number of claims equally well entitled, with Mrs. Dardin's, to payment. Indeed, Mr. D. FOSTER, Chairman of the Committee of Claims, (who was not present when the question was taken upon the report,) said, if this claim was granted, it would bring forward a thousand others.

The report, petition, and papers, were committed to the Whole House on Monday.

ADDITIONAL REVENUE.

The House took up for consideration the amendments of the Committee of the Whole to the bill for laying certain additional indirect taxes; when the amendment enacting an additional duty of 2½

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per cent. on the 10 per cent. class of goods being under view—

Mr. HARPER wished to make an amendment with respect to goods imported in other than American bottoms; to make the duty fall in due proportion, he said, goods imported in foreign vessels should pay 2½.

Mr. GALLATIN said no additional duty could be proposed in the House; it must be done in a Committee of the Whole.

The SPEAKER so determined.

Mr. NICHOLAS wished so to amend the resolution as to leave out white cotton goods.

Mr. GALLATIN thought, if the goods were specified, it would be better than saying such a class should be advanced, and then not only white cotton goods but a few articles of brass, iron, and steel, which were included in that class, would be well to be omitted.

The SPEAKER declared this amendment out of order.

The question was put for recommitting the bill, but negatived.

Mr. NICHOLAS moved to strike out the words "all other goods, not printed, stained or colored, 2½ per cent. ad valorem;" the division upon which was 36 and 36. The SPEAKER declared himself in the negative.

Mr. GALLATIN again moved to recommit the bill; which was negatived, 39 to 31.

The question on the amendment of the Committee of the Whole to strike out the words "white cotton goods," and to insert all the ten per cent. class of goods, was about to be taken, when

Mr. W. SMITH said, the subject was important; and the varying votes of the House showed how doubtful was the propriety of going to any extent into an advance of the impost duties. The first intention was to advance white cotton goods alone, this was passed by a considerable majority; a motion to include all the 10 per cent. class was negatived; yesterday the same motion was introduced and carried by a large majority; to-day they seemed again to be nearly divided. At this period of the session, he believed it would be dangerous to go extensively into an advance of the impost duties; for though it was probable there would be a deficiency of revenue, yet, in order to get it, he should not choose to run the risk of putting the whole in jeopardy by raising the duties so as to hazard the introduction of smuggling. The 10 per cent. class of goods, he said, consisted of a great variety of articles, some of which were valuable and of small bulk, and might easily be smuggled, such as silks, satins, velvets, fine linen, cambric, &c. No reason, it was said, had been given for selecting white cotton goods for an additional duty. He believed there was good reason for doing so. They were sold at a low price, viz: from 15d. to 3s. a yard; and it was not fitting to put them upon the same footing with respect to duty as kerseymeres, fine linen, &c., a large amount of which might be contained in a very small compass. He would illustrate the matter: Suppose one article of a certain size paid only half a dollar duty, whilst another of the same bulk paid one

hundred dollars; was it right, he asked, in regulating the duties, to put those two articles upon the same ground? He believed not, because the article which paid one hundred dollars held out a temptation to smuggling, whilst that which only paid half a dollar did not. He would, therefore, rather disagree to advance the duty on white cotton goods, than run the risk of introducing smuggling by agreeing to this amendment. Another objection to it was, it went upon the idea of raising all our revenue from commerce, though they had directed a bill to be brought in for laying a direct tax on land. He thought there was great danger in doing this; for, if in the next session additional revenue was wanted, finding the means of resorting to commerce so easy, recourse would not be had to any other source, and whenever a war should break out the whole of the revenue would be put in danger. He was of opinion either a direct tax on land, stamps, or excise, would be preferable to an increase of the impost duties.

Mr. HARPER said, with respect to the varying votes of the House, the reason was palpable. The additional duty on the 10 per cent. class of goods was at first rejected, from an expectation of other duties being imposed; but this expectation being disappointed, they had recourse to this class of articles. As to the vote this morning, in the Committee of the Whole, he believed several members, who were without the bar, and who had come in to vote, had misunderstood the question, and if it had not been decided as it was by the SPEAKER, he should have wished it to have been put over again. When the vote should be taken in the House this would be seen.

Mr. H. said, he knew why gentlemen were so strongly opposed to this advance of duty; it was because it would do away the necessity of a land tax; and he believed a decision upon this question would decide whether they were to have a land tax or not; for, by the proposed advance, with a small addition from stamps or excise, sufficient revenue would be raised for every purpose of Government. If no other way of raising money could be devised, he would agree to a land tax, but not else. As to the danger apprehended from smuggling, he would ask his colleague why those goods which now paid 12½ per cent. were not smuggled, since they were much the same in bulk and quality with the 10 per cent. class? He had no fears on this head.

Mr. NICHOLAS did not think it was a proper subject of discussion to notice how they voted yesterday, or might vote to-day; but it seemed to be the object of the gentleman last up to show, contrary to fact, that he was always in a majority. The gentleman had, however, mistaken the state of the business, as the first decision upon this article was after the other taxes had been agreed upon. He did not know where the gentleman got his information, that the friends of a direct tax were less in favor of that species of tax than heretofore. The reason why that subject had not been proceeded with was, that the committee had reported a bill so late in the session as not to allow sufficient time to discuss and mature the measure.

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He thought the subject had been very improperly introduced. The gentleman himself had said he would vote for it if it were found necessary, and if it were not, he did not suppose any future Congress would be found to vote for it.

The gentleman last up seemed to think he had answered his colleague with respect to the probability of the proposed advance introducing smuggling; but he thought what he had said fell far short of an answer. The goods which at present paid 12½ per cent. were of small extent when compared with the 10 per cent. class, which included three-fourths of all the cargoes brought into this country from Great Britain. This accounted for smuggling not being entered upon at present. He did not know whether an additional two and a half per cent. upon this most numerous class might not prove a sufficient inducement. On this subject, he stood upon much the same ground with the gentleman from South Carolina [Mr. HARPER]. He had no practical knowledge upon it.

Mr. GALLATIN said, there appeared to be a variety, and a fluctuation of opinion on this subject. As to himself, he had all along been opposed to additional imposts at present; for, though he agreed that this species of tax was well adapted to the situation of our country, yet he did not think it would be safe to extend it further at present. But, if the gentleman from South Carolina [Mr. HARPER] could assure them that no danger would ensue from smuggling, he would be ready to agree to the amendment before them. Friend as he was to a direct tax, it would be to him an additional reason for voting for this amendment, if that gentleman could prove to the House that its adoption would prevent the necessity of a land tax; but he conceived, for both these positions, they had nothing more than the bare assertion of that gentleman, and he must own that his confidence was not so blind (however high his opinion might be with respect to the talents of that gentleman) as to rely with perfect confidence upon this assertion.

That gentleman had yesterday said, when speaking of the insufficiency of the present revenue to defray the expenses of Government, no matter what gentlemen calculated on the subject, if there was any danger of a deficiency in the revenue, if there were a single doubt on the subject, they ought to vote for an increase of duties. It would be well to return his own argument upon himself, and say, that if any gentleman had a single doubt on his mind that this increase of duty might introduce smuggling (which, if once introduced, could never be done away) he ought to vote against the measure.

But it was said, if this amendment were agreed to, it would prevent the necessity of a land tax. How could this be? No gentleman on that floor would think of recurring to a land tax, except about a million of dollars were wanted. No one would think of incurring an expense of two or three thousand dollars, unless he meant to have a tax to the amount he had mentioned; it would not even be proposed except this were the case.

He wished to know, therefore, how a duty which was calculated to give from two to three thousand dollars, would prove a substitute for a tax which was to raise upwards of a million of dollars. It would, indeed, prevent the necessity, as far as it went, but no farther. This was another of the gentleman's assertions; and as he had accused him with being against the present amendment because it would do away the necessity of a land tax, he might say, that he used this land tax as a weapon, knowing many gentlemen to be averse to it, to induce a vote in favor of his impost duty. But, as to the danger of smuggling, which he considered as the main objection to an increase of these duties, nothing had been observed which, in his view, lessened the danger. It might be said, that the two and a half per cent. proposed would not induce smuggling. But this was uncertain. There was a line beyond which they could not go without encouraging smuggling, and if they proceeded in advancing the duties from time to time, that line would most certainly be passed. Mr. G. said, he would oppose the opinion of the Secretary of the Treasury on this subject to that of the gentleman from South Carolina; and though he was not one of those who placed implicit confidence in the opinion of any of our Executive officers, yet he thought that which the Secretary of the Treasury gave on this occasion was entitled to very considerable weight. Every member in that House certainly wished that our revenue should be equal to our expenditure; they were in some degree responsible for its being so; but what was the responsibility of any member in that House when compared to that of the Secretary of the Treasury? It would not bear a comparison; therefore, though it was not proper to place a blind confidence in him when he requested an increase of duty, because his situation would naturally lead him to wish for ample funds, yet, when he gave an opinion on the contrary side of the question, he thought it ought to have considerable weight. If the Secretary of the Treasury thought it safe to increase the 10 per cent. class of goods to 12½, there was no doubt but he would have recommended it, since to have done this would have required no pains or calculation; he would only have had to say, as the gentleman from South Carolina had frequently said, the duty now produces so much, and if such or such advance be laid so much will be produced. The Committee of Ways and Means, not finding themselves able to come to a conclusion on the subject, proposed that an inquiry should be made of him. It was done, and he made a report, which was submitted to the Committee of Ways and Means, and they had reported thereon, recommending certain articles upon which an additional duty might be laid. They had omitted to recommend salt and another article or two, from an idea that the Secretary's wish would rather lean towards increasing the duties too high for the sake of revenue than otherwise. [Mr. G. here read the Secretary's letter.] He thought there was a sentiment in this letter which was of considerable importance; it related

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to the degree to which a duty might be advanced without hazarding illicit trade, which was, that the duty ought to bear some proportion to the mercantile profits of the country where it was laid. There was no doubt, that in a country where the mercantile profits were high, a higher duty might be laid without risk of smuggling than where the profits of trade were low; because smuggling was carried on as a trade, and would flourish in proportion as it was more profitable than other trades.

Let us, said Mr. G., take the ground of the gentleman from South Carolina, who had represented the situation of our trade to be worse than he could admit. It must be allowed, that whether the war continued, or a peace took place, the rates of merchants' profits would, in some degree, be lessened; and when this should be the case, a less duty would induce smuggling, than when our produce bore a high price, and everything was prosperous; for, if a peace took place, the natural consequence would be, that we should lose our carrying trade to the West Indies, and the price of our produce would immediately fall in Europe. Having nothing but the assertion of the gentleman from South Carolina that this danger would not take place, he could not run the risk which appeared from these considerations.

Permit me to ask, said Mr. G., whether the gentleman from South Carolina has given us complete proof that he understands the whole of the subject? He had produced proof, indeed, that he had consulted several documents; but had he not shown, at the same time, that he had been rather hasty in making his conclusions; that he had attended only partially to the subject? As a proof of his information, he had told the House that a great proportion of the whole cotton goods imported was of a fine quality. They all knew this was not so. They all knew that these cotton goods consisted chiefly of a cheap kind, which was used instead of linen for sheeting, shirts, &c., and it was on account of the cheapness of these goods, that they had been selected as a proper article on which to lay an additional duty. He was, therefore, totally mistaken on this head.

That gentleman had also asserted, when the duty on salt was under consideration, that, admitting a duty on that article would fall heavily upon the frontier inhabitants, yet, as they paid but a trifling part of the impost duties, they had no reason to complain. Among other things, he said, they would pay no part of the duty which was contemplated to be laid on white cotton goods, and if they paid any duty at all, it was upon a coarse linen. As he had not at that time an opportunity of noticing this assertion, and as he did not wish it to go unnoticed, he would inform the House, that the inhabitants on the frontiers paid more of the impost duties according to their wealth, he was sorry to say it, than were paid by the middle parts of Pennsylvania. As to their paying no part of the duty on white cotton goods, he could assure them, that one-fourth part of the stock of a storekeeper in that country must be white cotton goods, if he meant to get any

profits by his trade. But that gentleman acknowledged they might pay some duty on coarse linen. It was somewhat curious, Mr. G. said, that the gentleman should have fixed upon almost the only thing which they do not purchase, for this was nearly the only article which they made for themselves.

When, said Mr. G., we see such assertions as these made, have we not a right to suppose that this gentleman may have been mistaken in his supposition that no danger will arise from the increase of the duties in question? Was it not better to hesitate, before they gave a vote which might endanger the whole revenue? He thought it was.

One word more with respect to revenue. Whatever difference of opinion there might be with respect to the sufficiency of the revenue of 1797, to defray the expenses of 1798, the present amendment did not apply to this; because no part of this revenue would go to that year. He mentioned this, lest the deficiency of 800,000 dollars, which had been said to exist, (but which he did not believe,) might influence the vote to be given on this occasion.

Mr. HOLLAND hoped, notwithstanding all that had been urged against it by the gentleman from Pennsylvania, that the amendment from the Committee of the Whole would be agreed to. If it were not, he should be opposed to the whole bill. No other objection had been urged against it but that it might be the means of introducing smuggling, which, if once gone into, could never be done away. He did not believe it would have this effect; but, if it had, he believed it might be done away. He looked upon it as an equitable tax, and hoped it would be agreed to.

Mr. COOPER said, it was unwise to think of raising the duties upon silks, satins, printed calicoes, &c., as they were articles out of fashion; nothing now was worn but muslins. He hoped the motion would not prevail.

Mr. BALDWIN said, he had no particular objection to the small advances which had been laid upon sugar, tea, &c., but he was wholly against advancing the duty on the whole class of 10 per cent. goods. This he said was a part of the impost system, which had been considered more in the rough than any other part of our laws. In laying the duties, they had not designated the articles, but said such and such class should pay so much per cent. They soon found that this was a rough mode, which would not answer the purpose. They, therefore, begun to think of enumerating the articles; but this amendment, instead of defining the articles, went upon the old rough plan, and proposed to advance the whole class. Mr. B. said they had directed the Secretary of the Treasury to lay before them, at the next session, a newly digested plan for the regulation of these duties, in which all the articles would be enumerated. He hoped, therefore, they should not anticipate the business, but wait until that plan came before them, when it would probably be found that the duty upon some of the articles might be advanced with propriety.

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The duty on sugar and tea, and perhaps that on white cotton goods, they might, without inconvenience, agree to; but he could not consent to the introduction of the general mass of 10 per cent. goods; nor did he believe our necessities required it. And when he said this, he would not have it understood that he wished to pave the way for a land tax; nothing but danger to the existence of the country would ever bring him to consent to a land tax. But the reason why he opposed this amendment was, he thought it was going too far; for he supposed if it were agreed to, it might produce an additional half million to our revenue. He could have no objection to this measure, provided it could be done safely; but it appeared to him that the objections which had been urged against it, had great weight. He could, therefore, consent to its going only to white cotton goods. He thought they should place some confidence in the officer who had made a report explicitly on the subject. The Committee of Ways and Means had also done the same; and he believed, if any mischief should arise from their augmenting the duty upon all that class of goods, gentlemen would not be able to acquit themselves of blame in having opposed these opinions.

Mr. HARPER said, if the gentleman from Pennsylvania [Mr. GALLATIN] had contented himself with giving his reasons for his own opinions, and with using arguments to refute those of others, he should have been silent, because he believed the subject had been sufficiently discussed; but as he had connected with his observations a personal attack upon himself, in order to lessen the credibility to which the observations which he had submitted to the House on the occasion might seem to be entitled, he could not refrain from giving a few words in reply. He would not go into a contest with that gentleman to show which of their assertions were most entitled to credit.

He never wished his to be attended to farther than reason went with them. Whether this was the case with that gentleman, and whether he arrogated to himself the right to be believed above all others, he left the House to determine. If the gentleman had confined himself to fact, his remarks would have had more of liberality in them; but he had ascribed to him what he had never said. Whether this had been done intentionally, or from misapprehension, he could not say; it was not usual for men of attention like that gentleman to misapprehend the meaning of members. That gentleman had assured the House that he, Mr. H., had discovered an ignorance of documents, only having given them partial statements, and that therefore he must have misunderstood them. The gentleman had not instanced anything of this sort; the House had, therefore, only his assurance, which would have its proper weight with them and with the public. If he had shown him wherein he had been mistaken, he would have endeavored to have profited by his admonition. In other instances he had been more explicit. He had charged him with stating that there were more high-priced than low priced cottons imported. This the gentleman asserted was not so; but he had brought

no proof that it was not so. He had no objection to the House believing that it was not so; he believed it was, from his inquiries and the documents he had seen on the subject. Perhaps mercantile men in the House, who were better acquainted with this business than either of them, would decide.

He had mentioned another instance in which he said he was mistaken. He charged him with saying that the people on the frontier paid no impost duty. Mr. H. denied having said so. He said that the poorer classes of people, more especially those on the frontier, paid but a small share of the duties on imposts, as the rich paid the duties on all high-priced goods. He did say that the poorer class of citizens on the frontier, on whom the duty on salt would fall, were exempt from that on those kind of goods. There might be persons of wealth on the frontier who purchase these articles; if there were, they doubtless paid a part of the duty. This was not generally the case. So that the gentleman had misunderstood or misstated him in this particular.

Mr. GALLATIN said, no person wished more to avoid personal disputes than he. As to his misapprehending or misstating the arguments of gentlemen, he left the members upon that floor to determine whether he was in the habit of doing either. He might not perhaps always feel the weight which gentlemen might think their arguments contained; but he thought he could not be justly charged with a want of candor in stating them.

As to the two points of misapprehension and misstatement alluded to: The first was in relation to the frontier. He believed the gentleman's expressions were as he had stated them; he might, however, have meant them to convey the idea he had mentioned; he might have intended his observation to have applied to poor people in general, and that as they paid no part of the impost duty, they had no right to complain of a tax on salt. All he could say was, if this was his meaning, he had given him credit for a better argument than he had used. He gave him the credit of applying his remark to a certain district of country generally, and not to poor persons in particular. He understood him as answering what had fallen from him with respect to the peculiar situation of his constituents in reference to a duty on salt; and what made this appear more clear, was some expressions which accompanied the assertion, viz: that the people on the frontier would never know of the additional duty if some person should not think it necessary to tell them of it. If he had mistaken the gentleman, he should be sorry for it; but he believed he had not.

As to what he had said, that the gentleman did not always draw the best conclusions from the documents which he adduced; that they were sometimes partial, and at other times incorrect; he did not rest this upon an assertion or opinion of his own, but upon the opinion of the gentleman himself. If his memory served him right, that gentleman had at three (but he was sure at two) different times gone over his calculation on the pro-

able increase of revenue which would arise from the proposed increase of duty on several articles; and what was this for, but because he had given so hasty and incorrect a statement at first, that he thought it necessary to give a second or a third to correct his former errors and misstatements? This was what he alluded to when he charged him with having drawn hasty and imperfect conclusions from the documents which he consulted. As to wishing more credit to be given to his assertions than to that gentleman's, he did not suppose the judgment of that House could be influenced by either. It was true, he had answered an assertion of his by one of his own, but he might say that he spoke from experience, which that gentleman could not do; he knew the fact to be as he had stated it, and that gentleman could not know the contrary.

Mr. WILLIAMS said he would only make a few observations on what had fallen from the gentleman from Georgia [Mr. BALDWIN] and the gentleman who had just sat down. The former had said, that if the report of the Committee of the Whole was agreed to it would make an addition of \$500,000 to our present revenue, but yet was himself opposed to it. He would ask that gentleman if a more favorable period could be expected than the present to call forth our resources to discharge our debt? The surplus of our agricultural productions, said Mr. W., was at a high price, and this being the case, the duties will be borne without difficulty, and the \$500,000 might be applied towards the purchase of the Deferred Stock. The gentleman who had last sat down [Mr. GALLATIN] had asked to be answered in two propositions. The one was, if an additional duty was laid, would the merchants not smuggle? And the other, if we must not eventually have a direct tax? In answer to the first, Mr. W. did not apprehend danger from the small augmentation of the impost; and from the gentleman from Georgia [Mr. BALDWIN's] own observation, that the augmentation would net \$500,000, this, with the other additions which would be derived from the bill, might be estimated at \$650,000. Add to this a stamp tax, which would be preferred to a direct tax, would bring in a sum to make up the \$1,000,000 per annum, which would be the sum wanted in the year 1801 to meet the payment of the Deferred Stock. Let us now, said he, begin to draw forth the revenue and purchase in this stock. The sum expected to arise from the sale of our lands will greatly diminish the debt; but, by holding out the idea of a land tax, they would injure the sale of the lands, as the moneyed men would not invest their capitals in lands, fearing the land tax; they would vest their money in the public funds, and live on the interest thereof. We cannot, therefore, said he, come at their money otherwise than by taxes on consumption—by excises, customs, stamps, and the like. A land tax, said Mr. W., would not operate well in this country, and will cost too much in its collection. In England, when at four shillings, it netted only £2,000,000 annually. The stamps, £1,329,905 annually, at an expense of £51,691; so that the nett revenue on

stamps was £1,278,214. The average of the national revenue of Great Britain for five years, commencing with the year 1786 and ending in 1790, inclusive, was £17,353,465. Hence the stamp duty amounts to about one-fourteenth part of the revenue. Were we, he said, to raise the like proportion to our present revenue, it would amount to \$500,000; but suppose we raised half that sum, and corrected our excise, with the additional duties now contemplated, we could meet the exigencies of Government without a direct tax.

Although a stamp tax would sound unpopular, yet it would be met with less difficulty than a land tax. In the first place, it would reach the moneyed man, and the litigious, as all law proceedings, and the like, would be taxed. Taxes in England, he observed, were very various, much more so than in any other country, especially in the articles of excise and stamps; taxes in England were, according to their population, much greater than in any other country, yet borne by the people with much more ease, because the taxes were laid on so many different objects. The mere circumstance of taxes being numerous in order to raise a given sum, is a considerable step towards equality in the burden falling on the people. A good system of taxation was that which bore lightly on an infinite number of points, heavily on none.

On motion of Mr. HENDERSON, the yeas and nays were then taken, and stood—yeas 30, nays 60, as follows:

YEAS.—Theodorus Bailey, Daniel Buck, Dempsey Burges, Joshua Coit, James Davenport, Abiel Foster, James Gillespie, Roger Griswold; William B. Grove, Robert Goodloe Harper, John Hathorn, Thomas Henderson, James Holland, Andrew Jackson, Aaron Kitchell, Samuel Lyman, Elisha R. Potter, John Reed, John S. Sherburne, Thompson J. Skinner, Nathaniel Smith, Israel Smith, Isaac Smith, Zephaniah Swift, George Thatcher, Richard Thomas, Mark Thompson, John E. Van Allen, Peleg Wadsworth, and John Williams.

NAYS.—Abraham Baldwin, David Bard, Thomas Blount, Theophilus Bradbury, Richard Brent, Nathan Bryan, Samuel J. Cabell, Thomas Claiborne, Isaac Coles, William Cooper, William Craik, Samuel W. Dana, Henry Dearborn, George Dent, George Ege, William Findley, Dwight Foster, Jesse Franklin, Albert Gallatin, Ezekiel Gilbert, Nicholas Gilman, Henry Glen, Chauncey Goodrich, Andrew Gregg, Carter B. Harrison, Thomas Hartley, Jonathan N. Havens, John Heath, William Hindman, George Jackson, John Wilkes Kittera, George Leonard, Matthew Locke, William Lyman, Samuel Maclay, Nathaniel Macon, James Madison, Francis Malone, John Milledge, Andrew Moore, Frederick A. Muhlenberg, William Vans Murray, John Nicholas, Alexander D. Orr, John Page, Josiah Parker, John Patton, John Richards, Robert Rutherford, Samuel Sewall, Samuel Sitgreaves, Samuel Smith, William Smith, Richard Sprigg, jr., William Strudwick, John Swanwick, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Richard Winn.

The proposed advance of the 10 per cent. class of goods is accordingly done away, and the advance is made only upon the white cotton goods. The bill was then ordered to a third reading tomorrow.

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Suability of States.

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SUABILITY OF STATES.

On motion of Mr. HARPER, the House then resolved itself into a Committee of the Whole, on the report of the select committee on the resolution sent from the Senate, authorizing the PRESIDENT to make inquiry of certain States whether they had adopted the proposed amendment to the Constitution with respect to the suability of States.

The select committee did not confine themselves to this single amendment, as reported from the Senate, but went back to the year 1789, when twelve amendments were proposed by Congress; for though they state eleven States out of fourteen had ratified ten of these amendments in the year 1791, yet they were of opinion that a doubt might arise whether eleven States ought to be considered as the three-fourths of fourteen; they therefore wished the PRESIDENT to be requested to make inquiry also from the non-ratifying States on the subject of these ten amendments.

Mr. NICHOLAS said, the resolution of itself was only exceptionable as it had connexion with the statement which went before it, in which it was made a question whether the ten last amendments of the twelve proposed by Congress to the States in March, 1789, were ever made part of the Constitution. He did not wish a doubt to be expressed on this subject. This doubt, in the opinion of the committee, it seemed, rested on a supposition that eleven were not three-fourths of fourteen. He could not conceive how any doubt could arise on this subject, since it must be acknowledged by every one that eleven was more than three-fourths of fourteen. If the objection arose from fourteen not being divisible in equal fourth parts, it was an objection to the Constitution as originally made. It was formed by thirteen States, which was no more divisible into fourths than fourteen. On this ground, an amendment could never have been made to the Constitution. He hoped the Chairman of the committee would give them some information on the subject.

Mr. HARPER said, it was not of much importance whether the committee had doubts, or whether those doubts were well founded. The committee stated they had these doubts. He had them; not whether eleven was three-fourths of fourteen, according to arithmetical calculation—every school boy knew, that, in that view, eleven was more than three-fourths of fourteen; but it was, whether you could make a division of States. He believed it could not be done; he believed there must be twelve ratifying States to be three-fourths, as intended by the Constitution, because that number would be three-fourths of sixteen, which was the nearest number to fourteen capable of four equal divisions. Whether this doubt was well founded or not, there could be no harm in directing the inquiry to be made; it would be made as soon for thirteen amendments as for one, and if any other State should have ratified the ten amendments in question, all doubt would be removed. Mr. H. noticed an error or two which had escaped the committee in their report.

Mr. GALLATIN said, the resolution under consideration went to direct the PRESIDENT to apply

to all those States, by whom, as far as can be known from the official documents heretofore transmitted, all or any of the amendments at any time proposed by Congress still remained to be ratified. There could be no occasion to make the inquiry with respect to all these amendments, unless it were taken for granted that none of them had yet been ratified. He was, therefore, of opinion, with the gentleman from Virginia, that such an application would be very improper, as bringing the ten last amendments into doubt, which he believed to be as much a part of the Constitution as any other article in it; he also thought them a very valuable part, and not to be trifled with.

But, upon what ground, said Mr. G., do the advocates of this report prove that 11 is not three-fourths of 14? The idea was so novel that he could scarcely understand what principle they adopted in order to create a doubt on their minds on this subject. To him the position that 11 was more than three-fourths of fourteen appeared to be one of those self-evident axioms which hardly admit of a proof. The principle on which the doubt arose must be so very nice, so abstract, that he did not know whether he was capable of comprehending it. Anxious as he was to avoid saying anything which might be construed as misstatement, he would, however, attempt to analyze what he conceived to be the ground of the gentleman from South Carolina, [Mr. HARPER.]

It appeared to him that that gentleman thought three-fourths in itself was not a fraction of the unit, was not a number conveying to the mind the simple idea of a fraction; but that it was a compound of fractions, and that the only way by which the idea of three-fourths could be conceived was by a decomposition. Because the idea of three-fourths was by our numerical arithmetic expressed by the two figures $\frac{3}{4}$, that gentleman was unable to conceive what it meant except by decomposition, by dividing the unit into four equal parts and multiplying the result by 3. And if that idea of three-fourths had happened to be expressed by the fraction nine-twelfths, (which was the same thing as three-fourths,) that gentleman could not have conceived it except by dividing in the first place the unit into twelve parts and then multiplying the result by nine. In fact he denied the existence of any number, part of a unit, except as it consisted of an aggregate of such parts as the unit could exactly be divided into.

Thus, when speaking of fourteen States, although he [Mr. GALLATIN] could at once understand that three-fourths of fourteen was ten-and-a-half, and, therefore, (admitting, as he did together with that gentleman, that the vote of a State was indivisible) that eleven States were more than three-fourths of fourteen, the gentleman from South Carolina proceeded in a different way. The fourth part of fourteen being three-and-a-half, he says that, as a State cannot be divided, you must take four States instead of three-and-a-half for the fourth part of fourteen, and then multiplying these four States by three, in order to get the three-fourths, he concludes that twelve States are three-quarters of fourteen—that the

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twelve States out of fourteen are necessary to ratify the amendments. He believed the gentleman would allow that he had not misstated his opinion.

Let us now see, said Mr. G., how this doctrine will operate. It would go to prove, in some instances, that three-fourths of a number is greater than the whole. Suppose, for instance, the case of five States. One-fourth of five is $1\frac{1}{4}$; but as the vote of a State cannot be divided, you must call it two; or, as the gentleman expressed it, five not being divisible into four equal parts, you must take the nearest number to five capable of such division, that is to say 8, the fourth part of which is two; two, therefore, must be considered as the fourth part of five States, and as three multiplied by two is six, it follows, according to that gentleman's doctrine, that the three-fourths of five is six! Suppose that, in the Constitution, instead of the expression three-fourths, it had been said that nine twelfths were necessary. The number of States when the Constitution was framed was thirteen. In that case one-twelfth of thirteen being one and one-twelfth, you must, the vote of a State being indivisible, call it two; so that in that way of reckoning, nine-twelfths (which is the same thing as three-fourths) of 13 is 18! Consequently, the consent of eighteen States would have been necessary in order to ratify any amendment to the Constitution of a nation consisting only of 13 States.

Let us, said he, examine a little farther. The same part of the Constitution which provides for amendments of the Constitution, says, that an amendment shall be proposed by two-thirds of both Houses of Congress; but he supposed the vote of a man was no more divisible than that of a State. He wished to know, therefore, how the gentleman would, on his principle, calculate what were two-thirds of the members present when their whole number was not divisible by three?

In making Treaties he wished to know what was meant by two-thirds of the members of the Senate present? If the number present happened not to be divisible by three, would that gentleman say, that, in that case, the next number above the number present must be taken, which would be divisible by three, and that if two-thirds of that number did not concur in the vote for the Treaty, no Treaty should be ratified? On that principle, in some instances, a greater proportion of the Senate would be necessary to ratify a Treaty than had been usually understood, according to the generally received opinion of the sense of the Constitution in this respect.

Upon the whole, he believed it would be best to reject the report, as, besides the objections alluded to, it was confessedly inaccurate in some of its parts, and adopt the resolution sent from the Senate, which applied only to the amendment respecting the suability of States. If the House meant to go any further, they might introduce the first and second amendments proposed at the same time with the other ten, but which had not yet been ratified.

Mr. HARPER said, he would add a word or two to what he had already offered on this subject. He did not know whether the House thought with him on this subject, that it was a doubtful point whether the ten amendments in question had been ratified according to the sense of the Constitution. If they did, they would, of course, vote for the report. The gentleman from Pennsylvania, he acknowledged, had not only shown his knowledge in arithmetic, but also his wit, which had not until now been brought before them. In the enjoyment of the last he had participated in common with the House.

Mr. DAYTON (the Speaker) was in favor of rejecting the resolution reported by the select committee, as it embraced too many objects, and held out a kind of invitation for States to come forward and propose amendments to the Constitution. He trusted the first of the amendments, proposed in 1789, relative to the proportion of representation, never would be agreed to, as it would have extremely mischievous effects. Indeed, if anything were done with respect to that amendment, he should think it ought to be to request those States which have not adopted it, not to do it, and those who have agreed to it, to revoke their vote in favor of it.

The question was then taken on the resolution reported, and negatived, without division.

The resolution was as follows:

"Resolved, That the President of the United States be requested to apply, as speedily as may be, to all those States, by which, as far as can be known from the official documents heretofore transmitted, all or any of the amendments, at any time proposed by Congress, still remains to be ratified; and to obtain from them authentic information of the proceedings had by them, respectively, on the subject of those amendments, or any of them."

The question was then taken on the resolution of the Senate, and agreed to. It was as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be requested to adopt some speedy and effectual means of obtaining information from the States of Connecticut, New Jersey, Pennsylvania, Maryland, Virginia, Kentucky, Tennessee, and South Carolina, whether they have ratified the amendment proposed by Congress to the Constitution, concerning the suability of States: If they have, to obtain the proper evidences thereof."

REMISSION OF PENALTIES.

The House resolved itself into a Committee of the Whole on the bill to provide for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned.

Mr. LIVINGSTON said, he had doubts whether they were not, by this bill, about to place in the hands of the Secretary of the Treasury Legislative business. He had other doubts upon the subject, and, in order to gain information, and bring on a discussion, he would move to strike out the first section of the bill.

Mr. SITGREAVES did not know what information the gentleman from New York could expect from a discussion of this bill. He would give

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him all the committee had in their possession. A power similar to that proposed now to be lodged in the hands of the Secretary of the Treasury he had had from the commencement of the present Government. It was a power co-existent with the revenue laws, and the bill before them was copied from an act of the first Congress. The law was limited to two years. It had been renewed three or four different times; but as, in process of time, Congress found themselves obliged to have recourse to different objects of taxation, it was found necessary to extend the power of the Secretary of the Treasury to other cases, and wherever taxes were laid he had the power given him of remitting penalties. In some cases this power was supposed to have been omitted to be given, and a committee was appointed to examine into the subject. They found provisions on this subject in different laws, and some of them in the body of laws, where no such thing could have been expected. Some of them had been entirely overlooked by committees, and by the Judiciary department; for it was extraordinary that, upon a petition lately presented, the District Judge had put an endorsement upon it, that though he thought the case a hard one, he had no power to give relief, notwithstanding there was an act passed in 1794 which gave this power. The intention of this bill, Mr. S. said, was not to create any new principle; it was not to give any power to the Secretary of the Treasury which he did not before possess, but to collect together all the different laws on the subject, and to extend it to one or two instances which were not at present comprehended in existing laws, viz: to the registering and licensing vessels, &c., on the subject of which the time of the House had been considerably occupied by petitions for remissions of forfeitures.

Mr. S. did not know that there was anything dangerous in the principle; he did not expect to have had it called in question. It had been well asserted by his colleague, [Mr. GALLATIN,] on another subject, that there was naturally a bias in the mind of the Secretary of the Treasury, in favor of keeping up the revenue, and that he would, therefore, add to and preserve it by all Constitutional means in his power. There would, therefore, be no danger in placing the power of remitting fines in his hands.

Mr. LIVINGSTON said, he knew there was a law similar to this in existence; but what he wanted was a discussion upon the principle of the law. He believed the power they were about to give to the Secretary of the Treasury was lodged in them, and that they had no right to delegate it to another. The gentleman from Pennsylvania had said, that the placing of this power in the hands proposed, would keep from that House a number of petitions on the subject of penalties and disabilities, which would otherwise engage their attention every session. But was this, he asked, what their constituents sent them there for? Were they to get rid of business, by throwing it upon their officers? He believed not. He thought this was a business which they ought themselves

to do. At any rate, he did not think it should be placed in the hands of any one man. "Any forfeiture, penalty, or disability," were very extensive words, and it was not easy to see all the cases to which they would go. Mr. L. said he recollected a particular case where an owner of a ship had not duly registered her: He was himself upon the committee, and the person came before them on the subject. Relief was granted; but it was strongly impressed on his mind that the House was not inclined to give it in future. If, on any future occasion, a similar case should come before them, the House would determine according to the circumstances of the case; but, if they delegated this power to an officer, what an influence it gave him! Suppose a number of rich, influential merchants had been guilty of a breach of law, what an influence would it give to an officer to put it in his power to remit the penalty attached to the offence! He thought it too extensive a power to be placed in the hands of any individual, and he hoped, therefore, the law would not pass so hastily as seemed to be the wish of its advocates to pass it.

Mr. AMES said, it appeared to him that gentlemen would be reduced to the necessity of considering the alternative which should be presented to the House with respect to the revenue laws, viz: either to make them loosely, and give considerable discretion to the officers in the execution of them, or make the rules so strict as to be in some degree rigid. If this latter plan were adopted, it would be necessary for them to provide some relaxation in cases which might bear hard upon individuals. He thought the latter the best mode. The British Government had adopted this mode; they made their law very strict; but they gave a board of excise power to relax in cases of hardship. This was a delicate power; but it was necessary to reside somewhere. And he believed it would be better placed in one of our Executive officers, from several considerations, than that House should exercise it, if it were only to prevent that sort of local sympathy which could not be prevented from entering, if persons were to come forward with their cases before them. For, when one of their constituents presented a distressed case, he relied upon it, as a matter of course, that he would have the support of his own Representative. He believed that this was a safe reliance, and how were the House to guard against the influence which would be thus raised in behalf of every petitioner who might come forward? For, having once granted relief, it would be pleaded as a precedent, and any one who came before them must be attended to.

But an objection to placing this power in the hands of the Secretary of the Treasury had been brought forward, and much relied on. It was said to be Legislative, and not Executive business. He differed entirely from this opinion. They made rules under which to collect the revenue; but to judge whether a man came under them or not, was Executive business. To apply the law which they themselves made, would be to confound the Legislative with the Executive power.

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It was, therefore, proper, from every consideration, that this remission of forfeitures should be left in Executive hands, who would be responsible for its due execution.

Mr. SWANWICK said, though he was one of the committee who brought in the bill, he doubted whether the powers proposed to be placed in the Secretary of the Treasury were not too large to be put in the hands of any one person; he should be rather in favor of fixing upon a Board for this purpose. He did not know that they were under the necessity of passing the law this session; if not, a plan of this kind might be devised at the next.

Mr. COIT thought it would be best to pass the law as it was, but with limitation. He thought, if the gentleman from New York had attended to the business, he needed not to have been quite so much alarmed on the occasion. On the adoption of the present Government, it was found impossible to get along without having a power placed somewhere to remit penalties. He believed the experience of other nations had shown the necessity of this. The first mitigation law was passed in the year 1790. No better mode could then be thought of than placing the power in the hands of the Secretary of the Treasury; but the Legislature seemed to have had some doubts with respect to the propriety of the law, as they only gave it a temporary existence. It had, however, been renewed from time to time. Perhaps it might be better, he said, to fix a Board for the purpose; but there was no time for doing that at present. The only question for the present was to pass the act, leaving the system open for improvement at any future day, whenever it could be done.

A motion was made for the Committee to rise, and negatived—37 to 20.

Mr. W. LYMAN thought this power too great to be left to any one man. He thought it would be much better to have no law on the subject than to pass it in this way; and a bad law, he said, would be worse than any evil which could arise from the want of a law.

Mr. LIVINGSTON inquired whether the word "disability" was in the old law.

Mr. SITGREAVES said it was not; it was introduced to cover cases respecting the registering of vessels, &c., which were now added to the act.

Mr. LIVINGSTON said, that word considerably extended the power proposed to be given to the Secretary of the Treasury, which was not, as has been supposed, of a judicial nature. It was not to inquire whether a person was subject to the penalty of our law, it was a question whether a penalty incurred ought to be remitted, as far as it respected a particular individual; it was not, therefore, a Judicial, but a Legislative question. If it were a Judicial power, it could not be vested in the Secretary of the Treasury; and if Legislative, it should not be transferred from their hands. He said it was a sort of Legislative business which they themselves should execute; but if the number of claims was too great to be attended to by the Legislature, it should not be put into the hands proposed, but a Board should be organized for the

purpose, from whose judgment there should be an appeal. But, as the bill stood, it was leaving all to the judgment of one man—it was a power of a magnitude which the House, he thought, were not aware of. The gentleman from Massachusetts [Mr. AMES] had asked how they were to guard against the local sympathies which would arise in that House, if the business was left to them; but, said he, if this be difficult in such a body as ours, how much more difficult would it be for an individual to do justice in all cases, from whose judgment there was to be no appeal? When he first rose, he did not see all the length which this power would go; but the more he investigated it, the more objectionable it appeared.

Mr. AMES thought himself bound to say the subject was not without difficulties; but they did not get rid of these difficulties by doing the business themselves; for he did believe that the operation of local prejudices and favoritism would be greater in that House than in an individual. But, waiving this argument, he asked, whether the gentleman last up could suppose that anything like system could be expected in a popular body, whose proper business was to make laws, on a subject of this kind? If it was their business to make laws, why not make them perfect at first? This was found to be impossible, since cases arose which it was not in their power to foresee, and which could not be provided for, except they were to provide as many laws as there were passions in the human frame. It was somewhat difficult to say of what description the power proposed to be lodged in the Secretary of the Treasury was; it was neither Judicial nor Legislative; it seemed to be more properly of the nature of a chancery power. It was a power, however, which must somewhere exist, if their laws were made strictly. The question was, where shall it be placed? As he had before said, he did not think it would be well placed in that House; it would be to dirty their fingers. He did not suppose, indeed, that gentlemen would be bribed; yet, though they were not influenced by money, still there would be a sort of influence which could not be prevented; for if one of his constituents were to come to him and request relief, he should find himself necessarily interested in his behalf; but if this power were placed in one of their officers, or in a Board, there would be a responsibility which would be some sort of security for proper conduct. He therefore preferred that mode.

Mr. COIT moved an amendment, limiting the continuation of the bill for two years.

Mr. SITGREAVES was opposed to the limitation.

Mr. SWANWICK was in favor of it, as he thought the shortness of the time for which the bill was enacted was the only thing which would make it in any degree palatable.

The Committee rose; and when the question was about to be put on the bill's going to a third reading—

Mr. LIVINGSTON moved that, instead of the power being lodged in the hands of the Secretary of the Treasury, it should be placed in the Vice President of the United States, the Secretary of

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the Treasury, the Secretary of State, and the Attorney General. No gentleman, he said, had shown the propriety of placing all this power in the hands of one person; he thought, therefore, it would be safer in those of four or five, as there would be a better guard against local affection or favor; for, notwithstanding what had been said to the contrary, it was certainly more difficult to influence several men than one man.

The question was put, and this amendment was negatived, there being only 19 votes in its favor. The bill was then ordered to be engrossed for a third reading to-morrow.

SATURDAY, February 25.

Mr. NICHOLAS reported a bill authorizing the receipt of evidences of the Public Debt for lands of the United States; which was twice read and committed to a Committee of the Whole.

The House went into a Committee upon the bill, made a report, and ordered it to be read a third time on Monday.

Mr. SWANWICK reported a bill for the relief of John Brown, and another providing for the erection of certain buoys in and near the harbor of Boston; which were committed to a Committee of the Whole on Monday.

Mr. BRENT reported a bill for incorporating the Commissioners of the city of Washington, in the District of Columbia; which was committed to a Committee of the Whole on Monday next.

Mr. WILLIAMS laid a resolution upon the table calling upon the Secretary of the Treasury for information respecting the expenditure of certain sums of money mentioned in his late report to have been drawn from the Treasury for defraying the expenses attending the intercourse with foreign nations. The reason of the motion, he said, was on account of the intricacy of the account of Mr. Randolph.

The bill for laying additional duties on certain articles of impost, was read the third time, and, upon the question being put on its passage, it was carried by yeas and nays, 67 to 21, as follows:

YEAS.—Fisher Ames, Theodorus Bailey, Abraham Baldwin, Thomas Blount, Theophilus Bradbury, Daniel Buck, Dempsey Burges, Samuel J. Cabell, Gabriel Christie, Thomas Claiborne, John Clopton, Joshua Coit, William Cooper, William Craik, Samuel W. Dana, James Davenport, George Dent, William Findley, Abiel Foster, Dwight Foster, Jesse Franklin, Nathaniel Freeman, jr., James Gillespie, Nicholas Gilman, Henry Glen, Chauncey Goodrich, Christopher Greenup, Roger Griswold, Wade Hampton, Robert Goodloe Harper, Carter B. Harrison, Thomas Hartley, Jonathan N. Havens, Thomas Henderson, William Hindman, Andrew Jackson, Aaron Kitchell, John Wilkes Kittera, George Leonard, Edward Livingston, Samuel Lyman, John Milledge, Andrew Moore, Anthony New, John Nicholas, Alexander D. Orr, John Page, Elisha R. Potter, John Reed, John Richards, Robert Rutherford, John S. Sherburne, Thompson J. Skinner, Jeremiah Smith, Israel Smith, Isaac Smith, William Smith, Thomas Sprigg, William Strudwick, Zephaniah Swift, George Thatcher, Richard Thomas, Mark Thompson, Philip Van Cortlandt, Peleg Wadsworth, and John Williams.

NAYS.—David Bard, Nathan Bryan, Isaac Coles, George Ege, Andrew Gregg, John Hathorn, John Heath, James Holland, George Jackson, William Lyman, Samuel Maclay, Francis Malbone, Frederick A. Muhlenberg, Josiah Parker, John Patton, Samuel Sitgreaves, Samuel Smith, Richard Sprigg, jr., John Swanwick, Abraham Venable, and Richard Winn.

REMISSION OF PENALTIES.

The order of the day on the bill for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned, was taken up, and, the bill having been read—

Mr. LIVINGSTON said, the precipitancy with which this bill was passed through the House had given little opportunity to discuss its merits. There was a new expression in it, which was not to be found in any of the other bills, viz: "disability," which would have a very extensive effect. It could scarcely be the intention of gentlemen to give to the Secretary of the Treasury the power to pardon crimes against the United States. Yet, if this bill passed, the crime of perjury might be pardoned by the Secretary of the Treasury. It would also be in his power to pardon crimes of considerable magnitude, which disqualified persons from holding any office under Government. A recurrence to the revenue laws would show this to be the case. Time had not permitted him to go through the whole of the revenue laws, but he would enumerate a few instances upon which this power would operate. In the 14th section of the act for securing the duties upon foreign and domestic distilled spirits, it was enacted that no supervisor or collector should carry on any trade in any of the articles upon which a duty was laid; and if any such officer should be convicted of so trading, he was to be disqualified for seventeen years, and fined \$100 for every month he shall have been so concerned. By the 67th section of the act for providing more effectually for the security of duties on goods imported, it was enacted, that in all cases where an oath was required, if the person so swearing shall swear falsely, he shall pay a sum not exceeding \$1,000, or be imprisoned twelve months. He mentioned another instance or two of a similar kind.

By the bill before them, Mr. L. said, whenever any person incurred any penalty, fine, or disability, the Secretary of the Treasury would have the power to remit them; he would not only have the power to do this, but also to pardon crimes, and perjury, after a person had been convicted by a jury of his country. Such was the power which they were about to put into the hands of one of their officers.

Mr. COIT said, it was extraordinary that the gentleman from New York should be so alarmed at this bill. He seemed to have attended to the subject, but not fully. This bill was, in all respects, the same as the old one, except that the word "disability" was added. Let us, he said, examine the cases where the Secretary of the Treasury shall have power to remit: "Wherever any person shall have incurred any fine, &c., he shall proffer his petition to the District Judge, praying the same to be mitigated or remitted, the

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said Judge shall inquire, in a summary manner, into the circumstances of the case, first causing notice to the person claiming the fine, and to the Attorney of the United States for such district, that each may have an opportunity of showing cause against the mitigation or remission thereof, and shall cause the facts to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury, who shall have power to mitigate or remit," &c. If there should be any appearance of an intention to defraud, the penalties would not be remitted, but only where they shall have been incurred through ignorance or mistake. It was made the duty of officers to prosecute in all cases, and it was necessary, therefore, in some to remit the fines. However extraordinary the gentleman might think this power, it had been exercised eight years, and no material inconvenience had arisen from it.

Mr. SITGREAVES apologised for occupying the time of the House, when it was so precious as at present; but he thought it necessary to say a few words in answer to the gentleman from New York. With respect to the power given to remit fines, &c., under the law laying a duty on spirits, and on goods imported, that power existed at this time. The bill before them would have no new operation on those cases. Nor would this bill by any means extend so far as to pardon perjury or crimes of any description. Indeed, it was worthy of observation to see with what care the power was guarded. There was no reasonable ground of apprehension that favoritism could at all operate in this business; because the Secretary would only have power to pardon or mitigate after a petition had been presented to a Judicial Court, and the facts had been stated to him from a Judicial inquiry; so that there could be no danger of his exercising the power improperly, as, in cases where there was any intention of fraud, penalties would not come to him for remission. If the gentleman could point out how crimes or perjury could be committed, without intention, there would be some weight in his argument, but not otherwise.

Mr. LIVINGSTON said, the answer which the gentleman from Pennsylvania had given to his objections to this bill, might appear to his own mind very complete and conclusive, but they did not appear so to him. He told them the law now in force was in effect the same with the present bill, and yet he allowed that the word "disability" was introduced here, though not in former bills. He had shown to what an extent this would lead, in pardoning crimes, perjury, &c.; but, say gentlemen the Secretary of the Treasury will have power to do this only in certain cases, where the penalties, &c., have been incurred without intention of fraud. But who, he asked, was to judge of this—the Secretary of the Treasury? Who was to call him to account, in case of improper conduct? Nobody. But it was said the matter must first undergo an examination of the District Judge; but, said Mr. L., in this case he only acts as an instrument, and not as a judicial officer, since he only collected the facts, and transmitted them to the Secretary of the Treasury.

Mr. NICHOLAS said, there was more in the objections of the gentleman from New York than gentlemen seemed to answer. It was not answering those objections, to say that the Secretary of the Treasury would only remit fines when offences were wilfully committed. The objection was, that he was set over the Judicial power. There seemed to be another objection. The Constitution, he said, had given power to the PRESIDENT to pardon crimes. If remitting disabilities were tantamount to pardoning crimes, it was giving to another person a power which belonged only to the PRESIDENT. But he doubted whether the mere removal of disability could be considered as pardoning crimes. He thought they should be careful of introducing new words into laws, since, by doing so, too great powers might be given. He supposed there could be no objection to recommit the bill, in order to alter it according to the old law.

The question on passing the bill was then taken, and stood—yeas 50, nays 34, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, Theophilus Bradbury, Daniel Buck, Joshua Coit, William Craik, Samuel W. Dana, James Davenport, George Dent, Geo. Ege, Abiel Foster, Dwight Foster, Nathaniel Freeman, jr., Ezekiel Gilbert, James Gillespie, Henry Glen, Chauncey Goodrich, Roger Griswold, Robert Goodloe Harper, Thomas Hartley, John Hathorn, Thomas Henderson, William Hindman, John Wilkes Kittera, George Leonard, Samuel Lyman, Nathaniel Macon, Francis Malbone, John Milledge, Andrew Moore, Frederick A. Muhlenberg, William Vans Murray, Alexander D. Orr, Josiah Parker, Elisha R. Potter, John Reed, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, Isaac Smith, Samuel Smith, William Smith, Thomas Sprigg, Zephaniah Swift, George Thatcher, Richard Thomas, Mark Thompson, John E. Van Allen, Peleg Wadsworth, and John Williams.

NAYS.—Theodorus Bailey, David Bard, Thos. Blount, Nathan Bryan, Dempsey Burges, Samuel J. Cabell, Thomas Claiborne, Isaac Coles, Jesse Franklin, Albert Gallatin, Christopher Greenup, Jonathan N. Havens, John Heath, James Holland, Andrew Jackson, George Jackson, Edward Livingston, Matthew Locke, William Lyman, Samuel Maclay, Anthony New, John Nicholas, John Page, John Patton, John Richards, Robert Rutherford, John S. Sherburne, Thompson J. Skinner, Israel Smith, Richard Sprigg, jun., William Strudwick, John Swanwick, Philip Van Cortlandt, and Richard Winn..

PROSECUTION OF CLAIMS.

On motion of Mr. W. SMITH, the House resolved itself into a Committee of the Whole on the bill making an appropriation for the prosecution of the claims of certain citizens of the United States, for the property captured by the belligerent Powers.

Mr. GALLATIN called for the reading of the resolution which directed the bill to be brought in. It directed an inquiry to be made into the subject, and if it were found expedient to pay the expense incurred, to bring in a bill to authorize the expense; but the bill reported was merely an appropriation bill.

[The resolution not being found, after a few minutes' search]—

Mr. SEWALL said he was upon the committee who made this report. The committee did not think

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it necessary to go into the inquiry with respect to the propriety of the expense. From the report of the Secretary of the Treasury, it seemed absolutely necessary to appropriate the sum of \$50,000. With respect to the expense to be incurred in this business, it was not likely to be very great, as our agent had orders to deduct the expense of every suit from the sum recovered. The committee had therefore reported a bill which, in the first paragraph, recognised the propriety of this business, legalized what had been done, and appropriated the money wanted for this year. This the committee thought fulfilling the business which was referred to them. The other question relative to the Constitutional power of the PRESIDENT, might have led to considerable debate, without effecting any valuable purpose.

Mr. GALLATIN called for the reading of Mr. Pickering's Letter of February 14, 1797. It was read. It stated that about £20 sterling had been advanced to the proctors on each cause; that the whole number of causes under Mr. Bayard's care, in September last, was about 300; that the cost of each cause was estimated at about £250; that it had been proposed to class the causes, and select one from each for trial. What the eventual cost to the United States would be, was uncertain, as the expense was to be deducted from every cause which was successful. The expense of those which were not successful, would of course fall on the United States; and that provision should be made for this expense was indispensable, since Mr. Bayard had pledged the faith of the United States to discharge it.

The resolution which had been before called for was produced and read.

Mr. GALLATIN said, it would be recollected that the appropriation contained, in this bill was first brought in in the general appropriation bill. It was struck out of that bill, and the resolution just read was entered into, in order, if the money was to be appropriated, that the expense should at the same time be authorized.

The first section of this bill was in the same form as a common appropriation, and the item might as well have remained in the general appropriation bill as to have come in this form. The second section of the bill established the principle, and decided that the money which may be advanced by the United States, for paying the expense of the suits, should be refunded in a certain manner; but they have not decided upon the principle whether only a part or the whole of the expense should be paid. They have only authorized the PRESIDENT to appropriate the money, in the usual form of appropriations. They have said, so much money shall be appropriated: the manner in which it should be applied was not determined. This was what was done in relation to the Algerine business, and what should be done in this case. He thought they should take the subject under consideration, and say how far they meant to go in the business. If they authorized the PRESIDENT to expend \$50,000 as part of the expenses, they should say whether they meant to appropriate for the whole expense to be incurred. The letter which had

been read, informed them that our agent (Mr. Bayard) had pledged the faith of the United States to defray the whole expense; and if they appropriated the money without authorizing the expense, they would recognise the power of the PRESIDENT, or of our agent to do this. He therefore conceived that the only way in which the business could be done, was, to say how far they would authorize the PRESIDENT OF THE UNITED STATES to pledge the faith of the nation. If they meant to defray the whole, to say so; if only a part, to say so, and not appropriate \$50,000, which would not be one-fourth of the expense, but which would acknowledge the thing itself. He wished the business to be done in a direct way.

Mr. G. said he had mentioned the other day that he conceived that, under the general clause of appropriation for foreign intercourse, the PRESIDENT was authorized to apply the money, thus generally appropriated, to that specific object; and therefore he agreed with the committee in saying, "in addition to the sums heretofore appropriated," &c. But let us, said he, inquire into the expense. They had been told, that in September last the whole number of cases was about 300—the cost of which would be (reckoning them at £250 sterling each) £75,000 sterling. At present, only £20 sterling had been advanced on each—making a sum of £6,000; there would therefore be wanting, to complete the whole, £69,000 sterling. We might, said he, either declare or assent to it, merely because Mr. Bayard, or our Executive, has pledged the faith of the United States, and therefore put us under the necessity of doing this act; or, we might authorize the PRESIDENT OF THE UNITED STATES, not only in this case, but in all others under his direction. We might even go further. It was well known that depredations had been committed upon the property of our merchants by another Power. It was to be hoped some amicable means of settlement would also be agreed upon with that Power, for the purpose of gaining restitution to our citizens; and as the PRESIDENT had pledged the faith of the nation in the case of Great Britain, he might also do it with France. We might therefore, said Mr. G., adopt the principle, that, not having a naval power to defend our commerce, we meant to assist our merchants in getting restitution for the property which is from time to time taken from them by the belligerent Powers; or else we might say that we are not under the necessity of doing this; but that, in this instance, the faith of the United States being pledged, (though without authority, yet, being done,) we found ourselves, in some degree, under a restraint to pay the money. One or the other of these opinions should be expressed. He had endeavored to amend the bill, but he found it difficult to introduce the ideas he wished by an amendment on the floor. He suggested the amendment he had thought of, but which did not altogether meet his ideas. He would rather introduce a new section than amend this. He therefore moved to strike out the first section of the bill.

Mr. NICHOLAS said it appeared to him a very important business, independent of the two princi-

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ples mentioned by the gentleman from Pennsylvania. They were called upon for an expense of \$200,000 or \$300,000, which was never before heard of, and for which they were told the faith of the nation was pledged. This he thought very extraordinary, and he had no doubt on his mind that the PRESIDENT had no right to make this pledge.

He recollected, when Mr. Bayard went from this country, it was at the beginning of a session of Congress; and if it was known during the sitting of Congress that this expense was to be incurred, it was remissness in the PRESIDENT not to have informed them of it. If, indeed, this expense was contemplated, or the pledging of the faith of the United States, at that time, he did not think the Legislature had been properly treated, or that the conduct of the Executive was justifiable. He was not prepared to say that the United States should be bound to pay the expense of prosecuting the claims of our citizens; but, as the faith of the nation was pledged to pay the money, (whether justly or not,) he must say they were obliged to pay it—they had no choice—they must pay the money.

He thought the Committee of Commerce and Manufactures had not reported such a bill as they ought to have done. He thought it should be recommended. The report might be made by Monday. It was an important subject; and, if the session had been in an earlier stage, he should have wished to have made some inquiries from the Executive on the subject; because he thought the Legislature had great reason to complain of not being consulted on the occasion.

Mr. SEWALL said, the two gentlemen last up had suggested several important questions as necessary to be decided; for his own part, however, whatever those gentlemen might think upon the business, he thought the PRESIDENT was justified in everything he had done, under the power which was placed in him for regulating intercourse with foreign nations. The gentleman from Pennsylvania seemed to think, that under this power he had no right to increase an expense beyond the appropriation; but if that power gave him authority to expend the money appropriated, it also gave him the power of expending whatever was necessary for that object. It was true, the House might refuse to appropriate for the expense after it was incurred; but if the PRESIDENT had any authority at all to enter into any pecuniary engagements, he must enter into such as appeared to him proper. In this case, he thought the PRESIDENT had acted with peculiar propriety; for he knew nothing which was of greater importance with respect to foreign intercourse than what related to the navigation of the high seas, the right of protecting which was certainly vested in the General Government. They were obliged either to authorize reprisals, or enter into such negotiation and settlement with foreign Powers who committed depredations upon our citizens, as would be likely to obtain redress for the injuries sustained. The PRESIDENT had chosen the latter way. He had called upon citizens to bring

forward their claims; they were brought forward, and an agreement to a settlement of them had been made a part of a Treaty between Great Britain and this country.

But say gentlemen, the expense should have been authorized by the Legislature, and the Committee, who brought in this bill, should have introduced a clause to authorize the expense, before they had appropriated the money. If this were the opinion of the House, they would act accordingly; they could approve or disapprove of the bill reported. If they were to attempt to limit the power of the PRESIDENT OF THE UNITED STATES in this respect, he believed it would interfere with a Constitutional question, for the discussion of which he believed they had not time; however, if the House chose to instruct them to bring in such a bill, they could do it. If the Committee had not done all that they were directed, they were not discharged, and could proceed in the business; they did what they thought was sufficient, in appropriating the 50,000 dollars wanted. If more should be wanted, a further appropriation would of course take place; if not, there was no occasion to settle any further question upon the subject. And if the propriety of this expense involved a Constitutional question, it might become a question whether the Constitution should be altered in that particular.

But gentlemen said, this act might imply that the United States were bound to pay whatever the PRESIDENT OF THE UNITED STATES, or his agents, might pledge the faith of the nation to pay. This act, he said, would not give the power to the PRESIDENT to bind the nation, if the power did not already exist in the PRESIDENT according to the Constitution.

Gentlemen magnified exceedingly, Mr. S. said, the expense of this object. One gentleman had calculated it at £75,000 sterling; another at 300,000 dollars. In order to make up this calculation, they reckoned 300 causes at £250 each. The fact, as reported by the Secretary of State, was altogether different. He stated that as the full number of causes; but some of them had been tried, and the expense of trial repaid, which would be the case in all, where the captures proved illegal; so that, in his opinion, the matter, as a money question, diminished to a small sum indeed.

Upon the whole, he did not see that the Committee had pledged the House to do anything which was objectionable; and if they had not done enough, the bill could be amended.

Mr. VENABLE said, this business came before them last year, though not in the same form. They were then called upon for 20,000 dollars. It was not stated in the estimate what the money was wanted for. Some gentlemen undertook to state what was the object; they stated it as wanted to defray the expense of prosecuting the claims of our citizens. At that time the House refused to grant the money upon that ground. It was, therefore, brought in afterwards in a different form. It was always understood, Mr. V. said, that no money should be appropriated for

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any object, except the expense was previously authorized by law; and though the gentleman from Massachusetts had said this expense was authorized under the general power given to the PRESIDENT to regulate foreign intercourse, he did not believe it. He had never been able to lay his finger upon that part of the Constitution which could give color to such a construction. Foreign intercourse, meant merely diplomatic intercourse, and it was wresting the words to extend them to anything else. Should it be said, exclaimed Mr. V., that the PRESIDENT OF THE UNITED STATES had the power, whenever a vessel should be seized with contraband goods, to apply the public money in bringing the cause to trial? And could it be ascertained that three-fourths of the vessels which had been captured by the British were not legally captured, on account of their having contraband goods on board? Was there any principle upon which this could be ascertained? If not, he would ask upon what principles Government were to step in and pay the expense of prosecuting the claims of private individuals? The business did not come under the description of foreign intercourse, but was merely a question of commerce. This being his opinion, he never could agree to provide money for this purpose, unless a law was passed to authorize the expense, and he thought that all money heretofore expended on this business was expended contrary to law.

Mr. WILLIAMS said, from the statement in the report of the Secretary of the Treasury, they found a letter to him from the Secretary of State, advising, that the public faith was pledged to pay the amount of the costs of the suits commenced, because it was necessary that our agent in England should procure securities for the costs in each case before the Courts of Admiralty and Court of Appeals; that the whole number of cases in September last under his care was about 300; that £20 sterling had been advanced by Mr. Bayard, our agent, to each; that £80 sterling would soon be called for by the proctors for each cause, and that the amount of each cause was calculated at £250 sterling; that measures had been taken to class the causes, and in cases where costs only were in question, it had been agreed to be left to an arbitration. From this statement, he conceived, they must appropriate a sum equal to that for which the nation was pledged. He had only one objection to the clause, which was that of its being general, and which would include those who had carried on illicit trade, which ought not to be provided for. There was one thing, however, in our favor respecting this subject, since Mr. King has been in London, our agent has been instructed to consult him in all cases; and the application of money in carrying on the suits, is wholly under Mr. King's control. Hence from the ability of that gentleman, we may rest satisfied that causes arising from carrying contraband goods will not be admitted by him; and we ought also to consider, in all cases of recovery, the agent has been directed to deduct the costs of prosecution; so that the amount will not be eventually so great as is by some imagined.

Besides, the want of money, to commence and carry on the causes, may be the cause of losing much to our citizens; and, as we have no protection to our commerce, we ought to appropriate for the trial of all causes, where it should appear to have happened by the fair trader. We cannot expect to maintain our neutrality without some expenditure of this nature. He was opposed to the Committee's rising. Whatever amendment was thought to be necessary, it could now be done, or a new clause substituted. With respect to the power of the Executive, he would only refer the Committee to the act passed last session on this subject, and he believed that would convince them that the PRESIDENT had been fully authorized for what he had done.

Mr. W. SMITH said, he was much surprised to hear the gentleman from Virginia [Mr. VENABLE] declare that there had never been a determination of that House to grant money for prosecuting the claims of our citizens on account of the spoiliations committed upon their property by foreign Powers; he was the more surprised, because that gentleman had himself opposed the grant of money for this purpose at the last session, when, notwithstanding the opposition, money was granted to the Executive for this express purpose.

Mr. VENABLE, denied having said there was no law for the expending of 20,000 dollars.

Mr. W. SMITH said he had clearly understood the gentleman. The fact was, the PRESIDENT had sent them a Message at the last session, stating a deficiency with respect to the outfits of Ministers, &c., but he added, in the Message also, that the extraordinary expenses of foreign intercourse would require a further sum; and in the estimate, after stating various sums which would be necessary for outfits, and the probable expense of obtaining papers, and prosecuting the claims of our citizens, he stated a deficiency of 23,000 dollars, which sum, after a long debate, in which there was considerable opposition to the measure, the House voted the sum, thereby sanctioning the expense, and pledging themselves to furnish whatever further sum might be wanted for that object. It was extraordinary, then, that it should now be said, that this was never understood, and that the expense ought now to be legalized, before any further grant was made. Such a difficulty might, indeed, have been brought forward at the last session with some propriety; but having then authorized the expense, by passing a law, predicated on the estimate before their eyes, it was very extraordinary that gentlemen should now call the principle in question. At this late period of the session, to go into the subject in the way proposed by the gentleman from Pennsylvania [Mr. GALLATIN] would defeat the business entirely, and totally prevent our citizens from obtaining the advantages secured to them by the Treaty, of obtaining restitution for the property which had been captured from them. It would certainly be best to appropriate the 50,000 dollars now asked for, and leave it to be hereafter determined what further sums should be appropriated for this purpose.

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It had been stated by the gentleman from Virginia [Mr. NICHOLAS] that the Executive was to blame for not having informed the House, when Mr. Bayard was sent to London, that it was intended to defray the expense of these suits. If there were any blame in this, it would certainly not fall upon the present Secretary of State, but upon his predecessor. They found, by the report of the Secretary of the Treasury; that Mr. Randolph had drawn from the Treasury as long ago as February, 1795, 10,000 dollars, for prosecuting appeals in England, and, in the same month, a further sum of 10,000 dollars, and in the April following, a further sum of 10,000, making in the whole 30,000 dollars. But, says the gentleman, Mr. Bayard was appointed at the beginning of a session of Congress, and therefore Congress should have been consulted on the occasion; but it would be recollected, that in 1795, they adjourned on the 3d of March, and 20,000 dollars had been drawn from the Treasury for this purpose in February, a short time before Congress adjourned, and 10,000 in April, after they were adjourned. The gentleman was therefore mistaken in saying Mr. Bayard received his instructions to pledge the United States at the commencement of the session, for the moneys were not drawn from the Treasury till about the close of the session.

With respect to the objection, that by voting for this grant, they sanctioned the principle of paying the expense of prosecutions where the captures had been legally made, by reason of the captured vessels having had contraband goods on board, he did not think there was any weight in it. He was, indeed, not a little surprised to hear those gentlemen now state, that there was a probability that a great part of the captures were legally made. On a former occasion, it was strongly contended by them that all these captures were violations of our neutral rights. It was possible, however, that some of the vessels captured might have contraband goods on board; but he believed it would be the best way to leave the settlement of this business to our agent and Minister in London. The object of sending Mr. Bayard to London, was, that he might superintend this business, and he doubted not that no cases of this kind would be brought to trial. Mr. S. then mentioned an instance wherein the PRESIDENT had exercised a similar power with the approbation of Congress, though less in extent, which proved this was not a new business. He trusted the section would not be struck out; but if it could be amended satisfactorily he had no objection to amend it.

Mr. VENABLE said, the House refused to appropriate the money asked for; the estimate which the gentleman had read, came in afterwards. It was true that the House passed upon it; but that did not convince him of the propriety of the expense. But the gentleman had gone further, and shown that 30,000 dollars had been drawn from the Treasury. He did not know by what authority this had been done. It was true they had appropriated a sum for the negotiation with Algiers, under the general head of foreign intercourse.

Under this head, he believed, the sums in question had been drawn from the Treasury, though it was his opinion, and always had been, they were drawn from thence contrary to law, as the law appropriated a million of dollars for the Treaty with Algiers, and did not contemplate any other expense. Besides, if we had heretofore appropriated money for this object, it made no difference as to the propriety of making the present appropriation, which he could not consent to do until the expense was authorized by law. He thought the subject had never been so fixed as to warrant this appropriation. No Government ever undertook to make good captures of the property of their citizens at sea. There might be instances, indeed, in which such captures were legal; and therefore, though he felt as much for these violations as any man, until this matter was settled by law, and some greater check was put upon the expenditure of the money, he should never consent to an appropriation on this subject.

Mr. W. LYMAN saw no difference between the loss of individual property of real estate and individual property lost at sea; and if the United States were bound to make up the losses of one, he did not see what was to prevent them from being called upon to make good the other. Instead of there being three hundred cases, he should not wonder to hear of three thousand, if the United States undertook to defray the expenses of every trial brought forward. There was no doubt that in many of these cases the prizes would be condemned as legal, in which case the United States would have to bear the whole of the expense. Besides, to adopt a principle of this kind was holding out an inducement for persons to come forward, as, if nothing was gained, there was no risk of loss, since the United States were pledged for the whole expense; and they might suppose, from a failure of evidence that their goods were contraband, they might stand a chance of recovering their property.

When the Message of the PRESIDENT came before them relative to this business, Mr. L. said, the object of the expense was mentioned, but by the law the money was appropriated under the general head of foreign intercourse; he supposed it was wanted to defray the expense of protecting our seamen. The House never sanctioned the payment of the expense of the law-suits in question.

There might be difference of opinion with respect to the propriety of protecting the property of our citizens at sea; but the situation of the business, as settled by Treaty between Great Britain and this country, put the question upon a different footing. Great Britain had authorized the persons who had sustained losses by the capture of their property to come into their courts, and, if the property was captured contrary to law, they engage to restore it. Citizens had made their election; they had petitioned for this treaty to be carried into effect, that they might receive back their property; but were the United States, he asked, to bear the expense of their suits in doing this? He could not agree to it.

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So far as the United States might be pledged, (though he did not think they were pledged,) he would agree to appropriate, as far as the expense incurred; but no further. These persons, he said, had relied upon the Treaty to give them every thing, and hoped they would get all they expected from it, but he did not wish the United States to be at the expense of their suits.

Mr. S. SMITH said, the money which had been appropriated had been appropriated under the general head of foreign intercourse, and the PRESIDENT had disposed of it as he judged proper. But, he said, an estimate was laid before them last session, in which it was said that a sum was wanted for the purpose of prosecuting the claims of our citizens in the British courts. The gentleman from South Carolina [Mr. W. SMITH] first proposed forty thousand dollars should be appropriated for that purpose; afterwards twenty thousand were agreed to, therefore it was as well understood by the House to be appropriated for that object, as if the purpose had been mentioned in the bill. So he understood it, and so he voted for it.

The gentleman last up, he said, had changed his ground since the year 1794. He was then of opinion, with himself and many others, that the captures were illegal, and unjustifiable; nothing was then heard of their being justly condemned, that they might have had contraband goods on board.

Gentlemen said no other nation ever came forward to pay the expense of the law-suits of their citizens in such a case. He believed not. Other nations had power to defend themselves; they had ships to enforce proper respect to their neutrality; but gentlemen object to our having this force, and therefore it was no more than reasonable that our citizens should have redress in another way. Nor did he know how they could get rid of the expense, since they had committed themselves. Not only their agent had pledged the faith of the nation, but they had pledged themselves in the business at three different sessions. They had given merchants to believe that they had taken the business into their own hands. If the PRESIDENT had done wrong in taking up the subject, it should have been corrected in its first stage; but, instead of that, appropriations had been gone into, and the business had been going on. Pains were taken to expend as little money as possible on the occasion; and if individuals had been obliged to prosecute their own claims, it would have cost them double the sum which had been estimated. The three hundred causes which had been mentioned, included claims of every description, those determined by arbitration would lessen the number. He had received a letter from the merchants at Baltimore, who had heard from Mr. Bayard, and it appeared that many of the causes were referred for settlement to proctor Nicholas and Mr. Scott, men of great integrity and ability. This would greatly lessen the expense, and would never have happened had not Government taken up the matter. Citizens must either have gone through all the expense of the

British courts, or have sat down with their losses. He should have chosen the latter, as the least of two evils.

Mr. S. said he was one of the sufferers from British captures. It had been generally supposed that he had lost a great deal of property by them; but he had not. He had recovered in every instance, having always been able to prove himself a native citizen of the United States. He had no claims now but for costs, which amounted to sixteen thousand dollars.

If Government had not taken up the business, it would have cost the United States ten times as much as it would now do. Under these impressions, he had no doubt the House would agree to appropriate the money required. If any other words were liked better than those at present in the bill, he should not be nice about any alteration, provided the money was given.

As to contraband trade, he did not think there would be many cases of that kind; for he did not believe that any man who had been engaged in that trade would expose himself by making his claim; but there were many things which the British called contraband, which we did not allow to be so; but he thought this business might be safely left in the hands of Mr. Bayard and Mr. King.

Mr. GALLATIN said, there were two distinct questions; the one as to the propriety of incurring certain expenses; the other relative to the power of authorizing the expense. He was in hopes no other question than that of the propriety of paying the expense would have become a subject of discussion in this stage of the business. He thought the resolution which had passed that House, directing an inquiry into the propriety of bringing in a bill authorizing the expense, had shown that the power was solely vested in the Legislature to authorize it.

Two different grounds had been taken by gentlemen to support the opinion, that the United States stand pledged to pay the expense, and that therefore only an appropriation was necessary. The gentleman from Massachusetts [Mr. SEWALL] seemed to think there was an inherent power in the PRESIDENT, from his Constitutional right of managing intercourse with foreign nations, to enter a business of this kind, and that having power, the necessary means must be furnished for carrying that power into effect. He seemed to think it involved a Constitutional question to limit the power of the PRESIDENT in this respect; but he called upon that gentleman to point out to him that part of the Constitution which gave to the PRESIDENT the power which he was inclined to give him. He knew that the Constitution had given power to the PRESIDENT and Senate to make Treaties, and that it had been contended they in that way could pledge the faith of the nation; he had never heard it asserted before that the PRESIDENT, or his agent, had any power to do it. He knew, also, that the PRESIDENT had the power to appoint Ministers, Ambassadors, &c., but he saw no general power given to him by the Constitution to carry on an intercourse with fo-

reign nations, either directly or indirectly, which could warrant him in pledging the faith of the nation. Indeed he conceived the power of granting money to be vested solely in the Legislature; and though, according to the opinion of some gentlemen, (though not in his,) the PRESIDENT and Senate could so bind the nation as to oblige the Legislature to appropriate money to carry a Treaty into effect, yet, in all other cases, he did not suppose there had been any doubt with respect to the powers of the Legislature in this respect.

The next ground was, that they had pledged themselves already to pay this expense; and, in support of this assertion, various arguments were produced. In the first place, it was said, having once passed a law to defray certain expenses of foreign intercourse, and the PRESIDENT having the power of applying the money thus appropriated towards prosecuting the claims of our citizens under that general power, the object of expense had already been authorized. He could not believe this assertion was well founded; he would look at the law which had been passed on this subject. He believed, indeed, that by the general manner in which the grants for foreign intercourse had been made, that the PRESIDENT had the power to appropriate it to that object as far as the money would go; but he did not believe he had the power to go further. [Mr. G. here read an extract from the law.] He said this million of dollars was not only granted generally to defray the extraordinary expenses of intercourse with foreign nations, but the law directed that the money should be drawn from the Treasury on a bare certificate that it was wanted for foreign intercourse. This being the case, though probably it was not the intention of the Legislature that the money should go to any other purpose than for settling a Treaty with Algiers, yet, under the two circumstances he had mentioned, he believed the money might be legally applied to the object upon which a part of it had been expended.

But, although he believed that by the appropriations made in this loose way, such an expenditure might be justified, yet he could not see any thing which could authorize the Executive to expend money beyond the appropriation, without a specific power given for the purpose.

But the gentleman from South Carolina supposed this expense had been sanctioned last year, and, in order to prove his assertion, he had taken the estimate which had been laid before them. That estimate, he said, was conveyed to them in a Message from the PRESIDENT, dated May 28, and the law was passed on the first of June. Of course, no certain inference could be drawn from an estimate laid before them only three days previous to their adjournment, and which had been inserted as an additional clause in a bill, without having been printed. But what did that Message say? It said twenty thousand dollars were wanted for the purpose of prosecuting the claims of our citizens. No other information was given on the subject. They knew money had been expended in the West Indies for getting certain pa-

pers relative to the captures; but, except this, they had no information. They had not, at that time, been informed that the faith of the United States was pledged by the PRESIDENT for the payment of the expenses attending the suits instituted for the recovery of our citizens' property, and this act was now justified upon their having last session voted twenty thousand dollars for this object, and thereby, it was said, pledged themselves to pay the whole expense. This argument showed the necessity of being well acquainted with the extent of the object for which they were appropriated, before they voted away the public money; for he supposed, if the money now asked, were granted, fifteen or twenty months hence, they should be further informed that Mr. Bayard had again pledged the faith of the United States for a further sum, which must of course be paid. Therefore, he believed he was authorized in saying, that if the sum now asked for was granted without annexing a clause specifying the authority they meant to give, it would afterwards be said that the whole expense to be incurred in the business had been legalized; as a proof of this, gentlemen said that because twenty thousand dollars were last year appropriated, the whole expense was sanctioned. This showed with what caution it was necessary to act in a business of this kind.

Concluding as he did, that the United States were not pledged to pay this money; that whenever the PRESIDENT OF THE UNITED STATES should undertake to pledge the faith of the United States, he thought he did it upon his own responsibility, and threw himself upon the mercy of the Legislature, who could approve or disapprove his act. If they meant to appropriate the money, it was necessary first to confirm what he had done; for, if they appropriated the money without this confirmation, they would act contrary to the Constitution, they would suppose a power of so doing pre-existing in the Executive.

As to the proposition for paying the expense of the suits in question, he was not well enough acquainted with the cases to come to a conclusion upon the subject; he could not say whether the PRESIDENT acted right or wrong in authorizing Mr. Bayard to pledge the faith of the United States to pay the expense; but he fully agreed with the gentleman from Virginia, [Mr. NICHOLAS,] that the Legislature should have been informed of the transaction as soon as it had been done; and the remarks of the gentleman from South Carolina, [Mr. W. SMITH,] with respect to the money being drawn from the Treasury by a former Secretary, did not amount to any thing; they did not know the Secretary in the business; they did not authorize the thing to be done; it was the PRESIDENT who gave the instructions. He conceived, therefore, that the PRESIDENT was chargeable with neglect for not having informed the Legislature when the business was done; but, at present, the thing being done, although he saw many difficulties in the way; though illegal claims would be favored, and where they were so, the expense would fall wholly upon the United

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States, yet, he must confess, he agreed in a great degree in opinion with the gentleman from Massachusetts, [Mr. SEWALL,] that they ought to assist, in a certain degree, citizens whose property had been captured by the belligerent Powers in their endeavors to recover it. He believed, in the situation they were in, the PRESIDENT OF THE UNITED STATES having of his own accord pledged the faith of the nation, though the Legislature was not thereby pledged to find the money, yet he felt the propriety of doing it.

The motion which he made to strike out the first section, as going against the principle of the bill, might be effected in a more direct way, by the Committee's rising and being discharged from a further consideration of the subject, and the bill being recommitted, in order to have a clause inserted authorizing the expense.

Mr. HARPER believed, that if the object which the gentleman had in view was a proper one, it might be effected, without striking out the first clause, or the Committee rising. Mr. H., after going at some length into the business to prove the propriety of the PRESIDENT's having acted as he had done, concluded with agreeing that it would be well to pass a law authorizing the expense, but that it might be very well done by way of amendment.

The question for the Committee's rising was put and negatived—44 to 42.

Mr. W. SMITH said, he would make one or two observations in answer to the gentleman from Pennsylvania, [Mr. GALLATIN.] He did not think it was necessary, at this late period of the session, to go into a discussion of the Constitutional powers of the PRESIDENT, as such a discussion might occupy the remainder of the session. He should not, therefore, take this ground, because he had ground sufficiently strong without it. The PRESIDENT had certainly a right to do what he had done, if he conceived it indispensably necessary for the public good; but submitting it afterwards to Congress to sanction the proceeding. They had already sanctioned what he had done, for the law of last session fully authorized the PRESIDENT to act in the manner in which he had acted. Indeed, upon the gentleman's own doctrine, he must vote for this appropriation, because he said, if they now voted for this money, they should stand pledged for the whole expense; now they had, at the last session, appropriated money on the same account, and therefore according to the gentleman's reasoning, stood pledged to furnish the remainder. But how did the gentleman get over this difficulty? He said, as the papers alluded to came into the House, only three days before the close of the session, they were not entitled to much consideration. According to this argument, all the laws which they might now pass, would be entitled to little weight, because there was not sufficient time to consider them fully. His next objection was, that the Message had not been printed. He did not think that was necessary, since the whole item consisted but of three or four lines. The money was said to be wanted to defray the expense of getting papers,

and prosecuting the claims of our citizens. When this estimate was before them, they voted the money in question, they could not therefore be ignorant of the purpose for which it was wanted.

It was well known, Mr. S. said, that when the appropriation for foreign intercourse was under consideration, he moved an additional sum of 40,000 dollars for contingent expenses. He was called upon to explain for what this sum was wanted, when he informed the House it was necessary for defraying sundry contingent expenses of foreign intercourse, but particularly for prosecuting the claims of our citizens, whose property had been captured by the belligerent Powers. It was then objected, that the expense was not authorized; others thought the sum too much for the purpose; but the gentleman from Maryland [Mr. S. SMITH] and the gentleman from Pennsylvania, [Mr. SWANWICK] who were well acquainted with the expensiveness of English Courts of Justice, said it was a small sum for that object. The House, however, refused to appropriate 40,000, and even 30,000, and agreed upon 20,000 dollars. The PRESIDENT, two or three days afterwards, sent them a Message, saying, that it would be necessary that there should be appropriated a further sum for defraying the expenses of foreign intercourse, and particularly for prosecuting the claims aforesaid. On which estimate they passed a law granting the money, by which vote they sanctioned the expense, and it was too late now to say it was a new subject. He therefore took it for granted, from the arguments of gentlemen themselves, that the House stood pledged to pay the expense.

Mr. NICHOLAS thought, what the gentleman last up had said about one part of the House thinking the sum which he had proposed to appropriate last session too large, and others too small, was a proof that they supposed the sum then asked for was the whole of what would be required. And was there no difference, he asked, between voting for 20,000 dollars, when it was supposed to be all that was wanted, and voting for 50,000, when they were told that 300,000 dollars would be necessary? besides, it was establishing a principle to guide all future Congresses. The first thing to be done was to sanction the expense; but if there were a majority of that House inclined to vote against the business, they ought to do it without fear of offending any man. If the expense should be authorized, he would vote for the money, but not otherwise.

Mr. BUCK hoped they should not take up their time at present in discussing what were the powers of the different branches of Government. It was not necessary for them now to inquire whether the PRESIDENT had a right to pledge the faith of the nation, or whether they had pledged themselves to pay the expense, or not. All that was required by gentlemen opposed to the question in its present form, seemed to be that the expense should be authorized. He thought there could be no objection to the doing of this, since, if the PRESIDENT had the power, it would not be diminished by such a measure. The question was,

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whether it was expedient and proper to authorize this expense, and make the appropriation. If it were, and it would suit gentlemen to do the business better in this way, he hoped it would not be objected to, but that the bill would be amended, and the appropriation made.

Mr. SITGREAVES said, he did not feel any of the scruples which many gentlemen had expressed respecting the form of the section in question; nor did he feel the least doubt of the legality of the PRESIDENT exercising a discretionary power to do what he had done. He thought the discussion of such great Constitutional questions ought to be avoided as much as possible, particularly at a time like this, when we have so much to do, and so little time to do it in. It appeared to be the opinion of the House that an appropriation should be made; he thought, therefore, that it could be easily done, as the mode, only, was the present subject; he therefore moved a resolution authorizing the PRESIDENT to prosecute the claims of citizens whose property had been captured.

Mr. GALLATIN said, he had prepared a motion to that effect, but it did not please him; he had therefore now so amended it as he thought would answer every purpose. It was as follows:

"Resolved, That the President of the United States be, and he is hereby authorized to advance on account of the several prize causes, before the Court of Admiralty and Courts of Appeal in England, a sum sufficient to defray the cost thereof, so far as the agent of the United States may have become surety for the same; and that for defraying the expenses during the year 1797, and that which may be incurred in procuring from the Admiralty Courts of any of the belligerent Powers, copies of papers relative to the property of American citizens captured by any of the said Powers, a sum not exceeding \$50,000 shall be, and is hereby, appropriated."

Mr. W. SMITH rose to reply to Mr. NICHOLAS, who, he said, had not rightly stated his observations; he had only noticed part of what Mr. S. said. He said that, last session, a certain sum was objected to as large, and a smaller agreed to by the House; but he also said, that two gentlemen, who had opposed the larger sum, after the Message from the PRESIDENT informing the House it was too small, then voted for the larger. Mr. S. did not object to the amendment.

The question was then put on Mr. SITGREAVES motion and lost. That on Mr. GALLATIN's amendment was agreed to. The House then took it up, and the amendment being agreed to, the bill was ordered for a third reading on Monday.

ACCOMMODATION OF THE PRESIDENT.

On motion of Mr. GALLATIN, the House resolved itself into a Committee of the Whole on the bill to accommodate the PRESIDENT OF THE UNITED STATES; when

Mr. HENDERSON said, he wished for information on this subject, as he had not sufficient to convince him of the propriety of granting 14,000 dollars, in addition to the furniture now in possession of the PRESIDENT; he therefore moved to strike out the 14,000, for the purpose of insert-

ing 5,000. The bill informed them that this sum, in addition to what might arise from the sale of such of the present furniture as may be decayed, out of repair, or unfit for use, was to be laid out in furnishing the household for the PRESIDENT. It was very lately that they had received a proposition from the Senate to advance the salary of the PRESIDENT 5,000 dollars; the bill was rejected by that House. It appeared to him that this bill went to effect the same thing in a different way. If the object was merely to furnish the household of the PRESIDENT, he thought a much less sum would be adequate to that purpose. He thought 5,000, with the proceeds of the sale of such of the present furniture as was unfit for service, might be sufficient. He had no doubt that the sum would make the furniture of the PRESIDENT for four years to come equal to what it had been for four years past.

Mr. NICHOLAS wished the gentleman would leave the sum blank, instead of inserting 5,000.

Mr. HENDERSON consented.

The question was taken, and negatived—42 to 39.

The Committee then rose, and the House having taken up the subject—

Mr. NICHOLAS said, as a majority of the House was against striking out this sum, he wished to have some information why this sum was fixed upon, and for what purpose it was to be applied. No one wished more than he did to place the PRESIDENT in a situation conformable to his station; but, according to his information, this sum was more than was given to the present PRESIDENT on his entering upon the office, though there remained the whole of the furniture, most of which was worth as much at this time as it was when first purchased.

Mr. SITGREAVES said, he would give to the gentleman all the information which he had on the subject. In the year 1778 or 1779, by a resolution of the old Congress, an household was established for the PRESIDENT of Congress. This remained until the present Government went into operation in the year 1789. It was then resolved, that Mr. OSGOOD should be requested to fit up the House in a proper manner for the reception of the PRESIDENT OF THE UNITED STATES. In that year the law passed for compensating the PRESIDENT OF THE UNITED STATES, which enacted that a salary of 25,000 dollars should be allowed him, together with the use of the furniture then in his possession belonging to the United States. This furniture cost the United States 13,657 dollars, 83 cents. During the period from 1779, when the household was first established, until 1789, when the PRESIDENT OF THE UNITED STATES entered upon his office, the furniture which had been purchased for the PRESIDENT of Congress, was so much decayed, that it required nearly 14,000 dollars to replenish it. It was the opinion of the joint committee, therefore, that in a lapse of eight years, viz: from 1789 to the present time, the furniture then purchased must have experienced equal dilapidation and decay, and that a sum at least as large as was then allowed (par-

ticularly when it was considered that the price of goods was very much advanced since that time) should now be allowed for putting the present household upon the same footing of respectability and convenience with that at New York in 1789. Mr. S. did not know that he could give any further information on the subject. It was a matter of notoriety that a great part of the goods then purchased were worn out and destroyed; such as the household linen, crockery ware, &c., and that the PRESIDENT had renewed them at his own expense; insomuch that if he were to take out of the House the furniture which he had supplied, there would little remain in it besides tables, chairs, bedsteads, and a few such articles; since all the carpets and ornamental furniture of the House had been purchased by himself.

Whilst he was up, he would wish to obviate the only objection which had been adduced to this bill. The gentleman from New Jersey [Mr. HENDERSON] had supposed that this allowance was meant to carry into effect what had been rejected in another way, alluding to the proposed advance of salary. That gentleman might see a very obvious distinction between the two things. If \$5,000 had been added to the salary of the PRESIDENT, he could have disposed of it as he pleased; but the money now proposed to be granted, was to be employed in the purchase of furniture, &c., which would remain the property of the United States, and would devolve upon the next PRESIDENT. Mr. S. said, he would add, that in the joint committee there was not a dissenting voice to the proposition, and he hoped there would not be one in the House.

The question was put for engrossing the bill for a third reading, and carried, there being fifty votes in favor of it. This day and Monday were mentioned for the third reading; the question was carried for the most distant day, 40 to 35.

A message was received from the Senate, informing the House, that they had resolved that the bill allowing a drawback on domestic spirits exported by the Mississippi in vessels of less than thirty tons burden, should be postponed till next session; that they had passed the bill for the benefit of the widow de Neufville; the bill for allowing the Secretary of the Treasury to remit fines in certain cases; the bill for continuing in force the laws against certain crimes committed against the United States; and the Post Office bill with amendments.

The House went into Committee of the Whole on the bill to suspend in part the duties on snuff and refined sugar, and reported the same without amendment, when the House took it up, agreed to it, and ordered it for a third reading on Monday.

MONDAY, February 27.

The bill authorizing evidences of the Public Debt to be received in payment for lands; and the bill for suspending the act for laying a duty upon snuff and refined sugar, were read the third time and passed.

PROSECUTION OF CLAIMS.

The bill making an appropriation for prosecuting the claims of certain citizens of the United States, for property captured by the belligerent Powers, was read the third time, and after a motion made by Mr. KITCHELL to recommit it in order to have introduced into it a provision against paying the expense of the trials in cases where the property was legally condemned, from the vessels having had contraband goods on board, which was negatived, 54 to 27, it passed by yeas and nays, 54 to 27, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, Theophilus Bradbury, Dempsey Burges, Joshua Coit, William Craik, Samuel W. Dana, James Davenport, George Dent, George Ege, Abiel Foster, Nathaniel Freeman, jun., Albert Gallatin, Ezekiel Gilbert, Henry Glen, Chauncey Goodrich, Roger Griswold, Robert Goodloe Harper, Thomas Hartley, John Hathorn, Jonathan N. Havens, John Heath, Thomas Henderson, William Hindman, John Wilkes Kittera, George Leonard, Samuel Lyman, Francis Malbone, Andrew Moore, Frederick A. Muhlenberg, William Vans Murray, John Nicholas, Alexander D. Orr, Josiah Parker, John Patton, Elisha R. Potter, John Reed, John Richards, Samuel Sewall, John S. Sherburne, Samuel Sitgreaves, Thompson J. Skinner, Jeremiah Smith, Nathaniel Smith, Isaac Smith, William Smith, Richard Sprigg, jr., Thomas Sprigg, John Swanwick, Zephaniah Swift, George Thatcher, John E. Van Allen, Peleg Wadsworth, and John Williams.

NAYS.—Thomas Blount, Samuel J. Cabell, Thomas Claiborne, John Clopton, Isaac Coles, Henry Dearborn, William Findley, Jesse Franklin, James Gillespie, Christopher Greenup, Andrew Gregg, Wade Hampton, Carter B. Harrison, James Holland, Andrew Jackson, George Jackson, Aaron Kitchell, Matthew Locke, William Lyman, Samuel Maclay, Nathaniel Macon, John Milledge, Anthony New, Robert Rutherford, William Strudwick, Abraham Venable, and Richard Winn.

Mr. A. FOSTER came in from the Committee of Enrolment, just as the Clerk was about to state the votes, and wished to be placed in the affirmative; but as he was not in the House to answer to his name when called, it was not allowed.

ACCOMMODATION OF THE PRESIDENT.

The bill to accommodate the PRESIDENT was read the third time; when Mr. HEATH moved to have the bill recommitted, for the purpose of striking out \$14,000 to insert \$8,000. He thought \$14,000 too large a sum to be given to purchase new furniture; \$8,000 he thought would be a sufficiently handsome sum for the purpose. They were apt to be too lavish with the public money on some occasions, and too sparing on others. He had not been satisfied with the reasons which had been given by the Chairman of the Committee for giving the sum now in the bill. At a time when our Treasury was so much in want of money, he did not wish so large a sum to be given for this purpose; nor did he think it necessary, except it were to put our PRESIDENT in the style of a potentate or Prince. And this he was sure the PRESIDENT OF THE UNITED STATES would not wish, as he believed he was a gentleman of great

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economy, and would spurn at anything like tinsel or expense. Five thousand dollars had been thought a sufficient sum for this purpose, but he was willing to give \$8,000. He hoped the bill would therefore be recommitted, and this sum be inserted.

Mr. MACON seconded the motion for recommitting the bill. He was against it altogether. He did not see why they should furnish the house of the PRESIDENT any more than that of any other of their officers. He thought the thing improper at first, and that it was wrong to continue the practice. If the salary was not large enough, it should be made larger, though he thought it sufficiently large.

Mr. RUTHERFORD concurred with his colleague, Mr. HEATH. It was necessary, he said, that Republicans should be consistent. If we thus give away the people's money, said he, shall we not be charged with rapaciously putting our hands into their pockets? Have we not, he added, refused to redress grievances and injuries, and to do justice to many deserving and distressed citizens, because our Treasury is low? And shall we now, when there is no right reason for it, lay hold of the public Treasury, and lavish away \$14,000? For what? For adding new furniture to the house of the PRESIDENT. No; he was willing to render him all possible respect; he remembered well his letter to our sister Republic of Holland. He had a pretty good memory. He remembered well his patriotism; but he saw no reason to give him \$14,000. He would give him \$8,000, which he thought would be a very pretty compliment; but to give \$14,000 would outrage every idea of that economy and Republican simplicity which ought to characterise the American nation. Why, said he, shall we, who are a Confederacy of the Democratic Republicans, everlastingly keep our eyes upon the pageantry of Eastern Courts? Let us rather attend to our own character than that of any despotic nation upon earth. He hoped the bill would be recommitted.

The question for recommitting was carried—45 to 40.

The House accordingly resolved itself into a Committee of the Whole on the bill, when—

Mr. HEATH moved to strike out \$14,000 and insert \$8,000.

Mr. GILLESPIE called for the estimate, which he understood was in possession of the committee.

Mr. SITGREAVES said there was no estimate before the House or committee. All that he had seen was a list of the furniture which had been purchased for the PRESIDENT in 1789. He himself had not had patience to go through it; but if the gentleman wished it, it might be read to the House.

Mr. HARTLEY hoped there would have been no objection to this appropriation. He thought the chairman of the committee had fully shown the propriety of granting the \$14,000 to the PRESIDENT, who was not merely an officer of the Government, but a branch of it. It was not giving the money away, but merely advancing it on account of the United States. He was not in favor

of high salaries, but he wished the situation of the PRESIDENT to be made comfortable and respectable.

Mr. HEATH said, he believed a great part of the furniture which was purchased in 1789, was at present as good as when laid in; this was particularly the case with respect to the mahogany furniture; and he thought the \$8,000 would be a sufficient sum to replace all articles of a perishable nature, such as carpets, linens, &c.

Mr. HOLLAND was in favor of striking out, because it was only necessary to appropriate as much as might be necessary whilst Government remained here, as, when it should be removed, the furniture now used might not be suitable for the house at Washington. At that time, he supposed a further sum would be called for, and therefore he thought a less sum than \$14,000 would be sufficient for the present purpose.

Mr. WILLIAMS was in favor of the bill as it stood. He had been told that it was the intention of the State of Pennsylvania to make an offer to the PRESIDENT of the house which had lately been erected in this city; if so, perhaps the furniture which might be purchased for it would be suitable for the house in the Federal City. He had before said that he thought it would have been better to have augmented the salary of the PRESIDENT, and let him purchase his own furniture. But as that had not been agreed to, he wished the Committee now to rise and report progress, that information might be gained on the subject; because he thought if he was to have that house, that sum would not be too large.

Mr. SITGREAVES said, he did not know whether the Legislature of this State would conclude to make the PRESIDENT the offer which the gentleman last up had mentioned; but of this he was sure, that if they did, he could not afford to accept of it. For, if this bill passed, he was certain that, under such circumstances, he could not remove into that house, because he would not be able to furnish it.

Mr. S. said, he was surprised the House should so suddenly change their opinion. He thought he had given sufficient information on the subject to have shown the necessity of the grant. [Mr. S. here repeated what he had before noticed respecting what had been allowed on a former occasion.] When gentlemen entered minutely into the subject, they seemed to have information which was not very correct. He believed the sum mentioned in the bill not more than sufficient. The decay which had taken place in the PRESIDENT's household would require that sum to make it good. The gentleman from Virginia supposed there were many articles, not perishable in their nature, which could not have been injured by their use. He was mistaken. There was nothing but about \$800 worth of plated ware and the mahogany furniture which could at all come under this description. Indeed, any gentleman who was in the habit of paying his respects to the PRESIDENT OF THE UNITED STATES must have seen with regret that the appearance of his furniture was so far inferior to that which was to be found

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in the houses of any of our wealthy citizens, or even of those in moderate circumstances. When this was a notorious fact, what ground, he asked, could gentlemen have for comparing the household of the PRESIDENT to the pomp and splendor of Eastern Courts? On the contrary, he thought there was a humility of appearance in the house of the PRESIDENT, which he would not say was a disgrace to the country, but which at least proved its rigid economy.

The gentleman from North Carolina [Mr. MASON] had said, he knew no reason why the house of the PRESIDENT should be furnished any more than that of any other officer of the Government. Perhaps it was not quite correct to call the PRESIDENT OF THE UNITED STATES an officer of the Government; he believed he was an independent branch of the Government. He supposed the same reason existed now for furnishing the house of the PRESIDENT which existed for furnishing that of the PRESIDENT of Congress, and afterwards that of the gentleman now going out of office. And he thought, at a time when money was of much less value than it was eight years ago, at least an equal sum should be allowed for this purpose to what was then allowed. If they took into consideration the private fortunes of the two gentlemen, the reason for doing so would appear stronger.

Mr. S. said he was sorry to find gentlemen inclined to go more particularly into this business than the committee had already gone. It would be found that the greater part of the furniture of the house was wholly destroyed; the fact with respect to carpeting was indisputable, as it was well known the whole of that had been renewed by the present officer. Under these circumstances, he trusted the House would not hesitate to give for this purpose the sum mentioned in the bill.

It was an unfortunate circumstance, Mr. S. said, that the moment they were called upon to make an appropriation, gentlemen came forward and spoke of the embarrassments of our Treasury; but when propositions were laid before them for raising revenue, they were told we did not want the money. He trusted the United States would never be in such a situation as not to be able to make comfortable provision for their Chief Magistrate; if so, they would be in a more degraded state than their worst enemies had ever represented them.

Mr. NICHOLAS said he voted for going into Committee of the Whole on this subject from an idea that the sum proposed to be given to the PRESIDENT was larger than was necessary, though he confessed he could not say what that sum ought exactly to be; he was for giving enough, and rather too much than too little. Indeed, when he considered that the whole sum was not to be expended, except it should be found necessary, and that a certain style was expected to be observed in this station, he was not for stinting the sum to what he thought just enough for purchasing furniture. If the whole of the money granted must of necessity be expended in furniture, he should

have had more hesitation on the subject; but as the expenditure would be left to the discretion of the PRESIDENT, he could not suppose, from the well-known habits of economy of that gentleman, it would be improperly disposed of. He therefore felt no difficulty in agreeing to the sum in the bill; for though he thought the sum too large, yet he would not so confine the appropriation as to oblige their officer to go about the streets to look out for cheap purchases of furniture.

Mr. W. SMITH thought the gentleman last up had put the matter upon a proper footing, in saying the sum ought not to be confined to what was absolutely necessary. The habits of economy of the gentleman elected to the office were too well known to suppose he would go to any extravagant lengths in the purchase of furniture for his house. He thought, moreover, that as the joint committee of the two Houses, to whom the details of this matter had been referred, after the best inquiry they could make upon the subject, had unanimously reported this sum to be necessary, the House ought not to hesitate to give it, without better reasons than he had heard. With respect to the articles heretofore provided, he had no doubt a great part had been destroyed, especially when it was recollected that, in addition to a service of eight years, they had been removed from New York to this city. He inferred this from his own experience; for at the time the Government removed from New York to Philadelphia, he also had been obliged to remove his household effects, and his furniture had received very considerable injury by the removal. Indeed, as \$14,000 had been allowed in 1789 for furnishing the PRESIDENT's house, he could not think that a less sum ought now to be granted, when every article which he would have to purchase was at least 50 per cent. dearer than at that time. He did not suppose the House wished to compel the gentleman about to enter upon the office to live in an inferior style to that of his predecessor.

He trusted, therefore, they would agree to the sum as it stood in the bill, especially when they considered that the private means of the two gentlemen were not the same. If they erred at all in this matter, he would rather that it should be on the liberal side. He hoped, therefore, the Committee would rise and report the bill.

Mr. BUCK said, previous to these measures being brought forward, they had decided against any advance to the salary of the PRESIDENT. At that time a committee was appointed to inquire into the state of the PRESIDENT's household, and to report whether any, and what, farther accommodation was necessary to be afforded. He conceived that it was the wish of that House that the gentleman who was coming into office should have accommodations equal to those which had been given to the gentleman who was leaving it. The committee had examined into facts, made a report, and a bill had been brought in accordingly. The committee had informed them upon what principles they had acted; and it did not appear that they either intended to increase the splendor

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of the household of the PRESIDENT, nor to add to his salary. If any member could come forward and show that the report of the committee was erroneous, they should have some ground upon which to reject it. He had heard no man say this, and therefore all that had been offered on the subject ought not to weigh against that report. When the bill was before them on Saturday, there was a considerable majority in favor of it, and as they had no new information on the matter, he saw no reason for a change of opinion.

Some members, Mr. B. said, had held out an idea that they were about to give this money away, to enable the new PRESIDENT to live in the style of foreign Courts. If the inhabitants of this city had adopted this style, then it would be chargeable against the PRESIDENT, but not otherwise, since it was acknowledged he had not kept pace with them in this respect. The appropriating this money would only be converting it into so much public property; for, when his term of office should expire, he could not carry away a single article. It was not, therefore, giving away a farthing, but merely providing for our own convenience to enable the PRESIDENT to fill the office with comfort and reputation; and as they had nothing before them to show the sum too large, he saw no propriety in rejecting it, for the purpose of inserting any other.

Mr. RUTHERFORD said, if the House had committed an error one day, it would be well for them to correct it another. If they were to give \$14,000 away on the present occasion, he thought they would commit a very serious error. The gentleman from Pennsylvania [Mr. SITGREAVES] had said many of the citizens of Philadelphia lived in a superior style to the PRESIDENT. If so, he would say they were very bad citizens, since it was proper that the citizens of this rising Republic should cultivate a simplicity of living and of manners.

Mr. MACON thought some of the arguments introduced on this occasion were very improper; such as the habits of economy or private fortune of the gentleman who was to succeed to the Presidential Chair. They were about to settle a permanent principle, which it was proper to do at this time, before a new Presidency commenced. He knew nothing of the private property of the person who was to fill the office, nor had it anything to do with the matter. The question was, whether they were to go over the same ground every four or eight years of furnishing the house of a new PRESIDENT? He did not wish that it should be so; he wished the salary to be the only consideration which the PRESIDENT should receive for his services. If it had not been settling a permanent principle, he should not perhaps have opposed it.

It had been said that the old PRESIDENT of Congress had a household furnished him, but he received no salary from the United States, except his household. He considered this sum as an advance upon the salary paid to the PRESIDENT by the different States, and before any salary was fixed by the United States; but now, as an ample

salary was paid to the PRESIDENT, he did not think such a provision should be continued. It was sometimes said that it was no matter what sum was appropriated, as, if it was not wanted, it would not be expended; but, he believed, whatever sum was appropriated would be expended; for he was not one of those who thought that revenue could not be found. He believed if the money was granted, it would be both found and spent.

Mr. SITGREAVES wished to correct the gentleman last up with respect to one fact. He had said the PRESIDENT of the old Congress had no salary. It was true that he did not receive anything under that name, but there was a provision, not merely for the furniture of his house, but for the constant provision of it; and this was so considerable that from 1778 to 1779, in one year, eighty-three thousand dollars were paid for that purpose.

Mr. MACON wished to know what sort of money this was; he supposed it was in depreciated paper.

Mr. SITGREAVES was not certain what kind of money was meant.

Mr. JEREMIAH SMITH said, in settling an affair of this kind, it was proper to have respect to the office, and not to the man who was to fill it. He could himself consider the establishment of the PRESIDENT's household in no other light than in the nature of a compensation for his services, in the same way that he considered the privilege of franking, stationery, and newspapers, allowed the members of both Houses, to be such; because, if they were not allowed to them, they would have to purchase those articles themselves; and if furniture was not provided by Government for the house of the PRESIDENT, he must himself furnish it out of his salary, or from his private purse. To refuse to provide the necessary furniture would therefore be to reduce his salary; for it was true that this plan of presenting furniture to the PRESIDENT was adopted before the salary was fixed, so that it must have been considered as being additional to the salary. And was that salary, he asked, near so valuable now as it was when fixed? Certainly not. He trusted, therefore, they should not reduce it. It was impossible to say exactly what sum would put the furniture in the same state as when it was presented to the PRESIDENT in 1789; for, though he was upon the joint committee, he was incapable of making a calculation on the subject, as it related to dollars and cents. It was thought that fourteen thousand dollars would not be more than sufficient to put it in complete order.

This sum, Mr. S. said, was mentioned, from a consideration that four years hence the Seat of Government would be removed, and that then the furniture would be in a great degree useless. They, therefore, only recommended such a sum as they thought would be sufficient to put the furniture in a proper state for that term. He believed the fourteen thousand dollars would not do more than that.

Mr. MACON said he was always opposed to the privileges allowed to members of franking, &c.

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Gentlemen talked about a statement; he did not know what that might contain, he had not seen it; but he did not know how it could require fourteen thousand dollars to repair furniture which at first cost only thirteen thousand.

Mr. JEREMIAH SMITH said, the gentleman last up was inaccurate in his statement. The thirteen thousand dollars which were allowed for furniture for the late PRESIDENT, was in addition to the furniture which had already been in possession of the PRESIDENT of Congress.

Mr. SHERBURNE said, the question was with respect to the quantum of money to be granted, as every one seemed to allow that a certain sum was necessary. By having recourse to what was done for other officers of Government, they might, perhaps, form an estimate of what would be reasonable on the present occasion. A practice had been established of allowing our Ministers to foreign countries a sum as an outfit equal to one year's salary; so that nine thousand dollars were allowed a Minister for this purpose, though it might happen that he would not be employed more than a few months in the service. He thought, therefore, that fourteen thousand dollars could not be thought too large a sum for the PRESIDENT OF THE UNITED STATES, whose term of service was for four years, and which would go to his successor in office; whereas, the nine thousand dollars allowed to a foreign Minister were entirely at his disposal, though he might not be in the service more than a month.

Mr. AMES said, it appeared to him that it would be desirable to proceed according to precedent, as nearly as they could. It was not desirable to innovate or change the established order of things, except strong reasons existed for the change. On inquiring what had been the practice heretofore, they found the PRESIDENT of the old Congress, as well as the PRESIDENT now going out of office, had establishments made for their household similar to that now proposed. If they looked forward to that period when the Seat of Government was to be removed, and considered the furniture which would be necessary for the house in the Federal city, it would be seen that there would be a necessity for a new establishment at that time, as it was evident that the present furniture or what might be purchased with the sum now contemplated, would be wholly inadequate to the furnishing of that house. He supposed an additional grant of twelve or fifteen thousand pounds would be necessary for that purpose.

This having been the practice established, it appeared to him somewhat strange that the gentleman from North Carolina [Mr. MACON] should have opposed the measure as an innovation and as a dangerous principle, whereas they were going to do now only what they had done in former instances, and not to do which would lay them under the charge of versatility. It would be said that nothing was certain under our Government, but that everything was subject to change. If this uncertainty was objectionable in general, it was particularly so when it related to an independent branch of Government. What was es-

tablished ought to be respected. If they were to consider what would be a just principle in an establishment *de novo*, they might say it should be settled in this way or that; but in considering what was already established, they must have respect to the rules upon which it was founded. And shall the first citizen in the United States, and perhaps the first in the world, said he, be placed in a situation considerably below our private citizens in point of furniture and style of living? He trusted he would not, though he had hitherto scarcely been placed upon a level with them. Notwithstanding this, the proposed establishment had been compared, with what view he could not say, to the splendor of European Courts; if this comparison was made with an intention to deceive the people, such an assertion, with so little foundation, was unworthy of the Representative of a free people, and betrayed a mean opinion of his constituents to believe they could be so easily deceived.

We have chosen an elective Government, said Mr. A., and if it were meant to be kept pure, they must encourage the people to make choice of such men, without respect to fortune, as they think will serve them best, but if, instead of providing a suitable household for the PRESIDENT, they left him to provide for himself in this respect, men of large fortune only could engage in this part of the public service. And would this, he asked, be doing honor to the Republican Government? He thought not.

Some gentlemen who were opposed to the giving of fourteen thousand dollars were yet inclined to give a smaller sum. They seemed to have two reasons for this; one arising from economy, the other from a kind of distrust of mispending of the money. Economy, he allowed, was necessary; but the extreme of virtue was said to be nearly allied to vice, and the extreme of economy was doubtless parsimony. Extremes generally touched each other. He could place this idea in a ridiculous light, but he would forbear to do it. Gentlemen had no objection to grant eight thousand dollars, and the bill only proposed that it should not exceed fourteen thousand. Now, were gentlemen really apprehensive in their consciences that this additional power over six thousand dollars would be abused, by its being laid out in gewgaws and knicknacks, or did they wish, by diminishing the sum, to prevent the PRESIDENT from having his furniture all of a piece, and thereby placing their discretion in the purchase of it in the place of his? The furniture, when purchased, added Mr. A., will belong to the office, and not to the man. He thought, therefore, they had spent time to little purpose in endeavoring to remove an established principle, and therefore hoped they should have the question.

The question for striking out was put and negatived—55 to 36. The Committee then rose, and when the question was about to be put in the House—

Mr. GALLATIN said, the provision of the bill left it to the discretion of the PRESIDENT whether he would expend the whole of the money, or not.

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Spoliations—Domestic Debt.

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His opinion was, that the sum was too large; but the question for striking it out having been negatived, the expenditure must be left to the discretion of the PRESIDENT. He did not mean to go into any detail. He did not wish to place the gentleman coming into office in a worse situation than that of him who was going out; and as he felt no objection to leave it to the PRESIDENT to make use of the whole or a part of this money, as his discretion should direct, he should vote for the bill.

Mr. CLAIBORNE said, as provision had been made for furniture for the gentleman now in office, he was inclined to vote for the fourteen thousand dollars proposed now to be granted for the same purpose to the gentleman who was to succeed him.

Mr. HENDERSON wished to give his reasons for voting against this bill. He wished to place the PRESIDENT coming into office in as comfortable circumstances as he who was going out; but it appeared to him that the sum proposed was larger than necessary for this purpose. Indeed, said Mr. H., when he read an article of the Constitution touching this subject, he had his doubts with respect to the constitutionality of the proceeding. That article said, "that the PRESIDENT should receive a compensation which should neither be increased nor diminished during the period for which he should have been elected; and that he should not receive within that period any other emoluments from the United States, or any of them."

Mr. SITGREAVES believed there could be no doubt as to the constitutionality of the proposed grant of money, as the clause ran, "during the period for which he should have been elected," which would not prevent them passing any number of acts before he went into office.

The question on the passing of the bill was then taken by yeas and nays, and stood 63 to 27, as follows:

YEAS.—Fisher Ames, Theodorus Bailey, Abraham Baldwin, Theophilus Bradbury, Daniel Buck, Dempsey Burges, Thomas Claiborne, Joshua Coit, William Cooper, William Craik, Samuel W. Dana, James Davenport, George Dent, George Ege, Abiel Foster, Dwight Foster, Nathaniel Freeman, junior, Albert Gallatin, Ezekiel Gilbert, Nicholas Gilman, Henry Glen, Chauncey Goodrich, Roger Griswold, William B. Grove, Robert Goodloe Harper, Carter B. Harrison, Thomas Hartley, William Hindman, John Wilkes Kittera, George Leonard, Edward Livingston, Samuel Lyman, William Lyman, James Madison, Francis Malbone, Andrew Moore, Frederick A. Muhlenberg, William Vans Murray, John Nicholas, John Page, Josiah Parker, John Patton, Elisha R. Potter, John Reed, John Richards, Samuel Sewall, John S. Sherburne, Samuel Sitgreaves, Thompson J. Skinner, Jeremiah Smith, Nathaniel Smith, Isaac Smith, Israel Smith, William Smith, Richard Sprigg, junior, Thomas Sprigg, John Swanwick, Zephaniah Swift, George Thatcher, John E. Van Allen, Philip Van Cortlandt, Peleg Wadsworth, and John Williams.

NAYS.—Thomas Blount, Nathan Bryan, Samuel J. Cabell, Gabriel Christie, John Clopton, Isaac Coles, Jesse Franklin, James Gillespie, Christopher Greenup,

Andrew Gregg, Wade Hampton, John Hathorn, Jonathan N. Havens, John Heath, Thomas Henderson, James Holland, Andrew Jackson, George Jackson, Aaron Kitchell, Matthew Locke, Nathaniel Macon, John Milledge, Anthony New, Alexander D. Orr, Robert Rutherford, William Strudwick, and Richard Winn.

JUDGE TURNER.

Mr. BRADBURY, from the committee to whom was referred the petition of Judge Turner; also that of some inhabitants of the Northwestern Territory, with the report made last session thereon, reported. The committee recommended that the case should come to a hearing before the Court of that Territory, where the Judge would have an opportunity of defending himself against the charges brought against him. Laid on the table.

SPOLIATIONS.

The Secretary of State made a report on the memorial of sundry citizens of the United States, relative to losses sustained by captures, spoliations, &c., committed upon their property by vessels of the French Republic, referred to him on the 8th of May last. The report took an extensive view of the grievances our merchants had sustained, from the year 1793 to the present time, and stated what measures had been taken towards obtaining redress.

Mr. W. SMITH moved to have the report printed.

Mr. NICHOLAS wished to know what was to be done with it. He thought it very extraordinary that this memorial should have been referred to the Secretary of State so long ago as the 8th of May, and that a report should not have been made till within four days of their adjournment. He thought it unnecessary to swell their printer's bill, which he supposed would be sufficiently large, by having it printed, since it would not be acted upon this session.

Mr. W. SMITH said his reason for wishing it to be printed was, because he wished to read it.

Mr. NICHOLAS said that was not a sufficient reason for incurring the expense; since, though the gentleman might read it, he would not have the power of acting upon it. He hoped it would not be printed.

The question for printing was put and carried; and the report laid on the table.

PENSION CLAIMS.

Mr. DWIGHT FOSTER reported a bill which had been recommended to the Committee of Claims for placing certain persons on the pension list. It was referred to a Committee of the Whole tomorrow.

DOMESTIC DEBT.

Mr. W. SMITH offered the following resolution to the House:

"Resolved, That a committee be appointed to bring in a bill for extending the time for receiving on loan the Domestic Debt of the United States."

It was agreed to, and Messrs. W. SMITH, NICHOLAS, and COIT, were appointed, who, after-

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wards brought in a bill, which was committed to a Committee of the Whole to-morrow.

MILITARY AND NAVAL APPROPRIATIONS.

The House went into a Committee of the Whole on this subject, when, after some discussion respecting the price of rations. Mr. GALLATIN insisting upon seventeen cents being a sufficiently high calculation, and Mr. W. SMITH abiding by the estimate of the War Department at twenty cents; the latter was agreed upon thirty-six to thirty-four, and the pay and subsistence of the Army was settled, but which has since undergone an alteration, owing to the two companies of cavalry being added by a new bill. The sum for forage and clothing was also agreed upon, but which afterwards, of course, from the above alteration, underwent an augmentation. The hospital department being under consideration,

Mr. W. SMITH moved to fill the blank with thirty thousand dollars.

Mr. GALLATIN moved to fill it with ten thousand. He said, they had this year had a statement of the expense of the Military Establishment, by which they found that the hospital department had cost six thousand nine hundred and five dollars. It had been the uniform practice of the House to appropriate from thirty to forty thousand dollars under this head, though the expense had never exceeded seven thousand; and to apply the surplus to other purposes. He thought it wrong to appropriate four times the sum necessary, and had therefore proposed to fill the blank with ten thousand dollars, which was fifty per cent. more than had ever been expended for the purpose.

Mr. PARKER believed that ten thousand dollars would be enough to pay for physic for the Army. Indeed he believed it was generally expended in wine and luxuries by the officers, and that little of it went to the use of the subordinates.

The question for ten thousand dollars was put and carried.

The blank for the Ordnance department was filled with forty thousand dollars; and that for the fortifications of the ports and harbors of the United States with twenty-four thousand dollars.

Mr. GALLATIN moved to fill the blank for the Quartermaster's department, the Indian department, the defensive protection of the frontiers, bounties, and all the contingent expenses of the War Department, with three hundred thousand dollars.

Mr. VENABLE said, if the sum necessary for each of the above items could be specified, he would rather have it so expressed than have the whole in one sum.

Mr. W. SMITH said it would come to the same thing, if the several items were voted in an aggregate sum, as they were all contingent expenses. He should move to have the blank filled with four hundred and forty-six thousand dollars.

Mr. GALLATIN observed there were two motions before the Committee: one to fill the blank with four hundred and forty-six thousand dollars, the other with three hundred thousand. He would

observe that one of the items in this estimate, viz., that for the fortifications of West Point, ought not to be included under this head; but, as to the other items, he would mention, in answer to what had fallen from the gentleman from Virginia [Mr. VENABLE] what was the reason which had induced the Committee to put them in one sum, which was to obtain the very object he had in view in wishing to have all the items stated separately.

It would be recollected that they had had a letter from the Secretary of the Treasury, in which he said, "that the appropriations for the Military and Naval Establishments were considered as general grants of money; and, though they were to be accounted for according to law, yet it was the practice of the officers of the Treasury not to consider each appropriation as specific, but the whole as a general grant of money. This practice was making the law a mere farce, since the officers of the Treasury did not consider themselves as at all bound by the specific sums. He therefore concluded it to be proper to pass the law in such a manner as to confine the expense to the appropriation for the different items. It was said to be impossible to carry the law into execution on this principle. It was said there were a number of contingent expenses which could not be exactly ascertained, and that therefore it was necessary the officers of the Treasury should have a certain discretion given them to make use of the surplus of any item for which more than was necessary had been appropriated. He believed the uncertainty here mentioned existed, and therefore it had been concluded to be best to put the contingent articles together in one sum, in order to give bounds to the discretion of the Department.

Having given the reasons which caused the bill to be brought in in this shape, Mr. G. said he would mention the items upon which the sum he had proposed to fill up the blank was composed. For defensive protection, sixty thousand dollars; for the Quartermaster's department, one hundred and fifty thousand dollars. This latter sum has been estimated at two hundred and fifty thousand dollars, but upon what ground he was at a loss to know. The Army would now be fixed in garrison, and would not have to march from post to post. None of the reasons given last year for this expense would now apply; and he thought it unreasonable that the same sum should be allowed for this item which was allowed at the time when they were engaged in an Indian war.

In 1789, when we had eight hundred men in garrison, the expense of this department was	-	-	-	\$11,076
In 1790, he did not recollect the number of troops, but not more, he believed	-	-	-	45,763
In 1791	-	-	-	92,223
In 1792, (in the height of the Indian war)	-	-	-	206,510
In 1793	-	-	-	178,602
In 1794	-	-	-	263,000
In 1795	-	-	-	317,647

What would be the expense of 1796, could not be exactly ascertained. It appeared by the state-

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ment which they had received that upwards of two hundred and four thousand dollars had been expended. Whether there were any further demands unsettled, he could not tell. It appeared, therefore, that the expense of that Department had increased from eleven thousand to three hundred thousand dollars. This had been owing to two causes—the increase of the Army, and by the Indian war. There had also been a great loss of horses from having forage to fetch great distances.

There had last year also been a considerable expense incurred in taking possession of the posts; but those being now in possession, and the Army at rest there, he believed one hundred and fifty thousand dollars would be sufficient for the present year. This would account for a difference of one hundred thousand dollars betwixt the two estimates. The gentleman from South Carolina had estimated the Indian department at ninety thousand dollars, which he reckoned at seventy thousand. Mr. G. noticed several articles under this head as charged too high. The running of the lines of the Territory was estimated at ten thousand dollars. It was absurd to suppose that it could require this sum to run these lines, when the running of the lines in the Northwestern Territory had only been estimated at twenty-five thousand dollars. The article of contingencies was estimated at thirty thousand dollars, which was an extravagant sum, and much too large; he thought ten thousand would be sufficient. These different items constituted the difference between the three hundred and the four hundred and forty-six thousand dollars, with which the blanks had been proposed to be filled.

Mr. W. SMITH said, the sum with which he had moved to fill the blank, was conformable to the estimate which he had received from the War Department. He was not prepared to say what would be exactly sufficient, but he could not suppose that the War Department could be one hundred and forty-six thousand dollars wide of the mark in their estimate. It would be recollected that last year, the estimate received from the War Office was departed from in several instances, and consequently this year they had been called upon to make up deficiency to an amount beyond even the estimate of last year. With respect to the ten thousand dollars for running the lines of the Indian boundary, he could not say that that sum would not be necessary. The gentleman from Pennsylvania had compared this item with the twenty-five thousand dollars appropriated for running all the boundary lines in the Northwestern Territory; but if he had examined that item, he would have found that this sum had been appropriated towards carrying the business into effect; it was not for the whole expense, for it might cost double the sum: With respect to the contingencies of the War Department, he did not know upon what ground the gentleman proposed reducing the sum from thirty to ten thousand dollars, when in one year they had cost thirty-four thousand. He thought, with this information from the proper Department be-

fore them, they ought to make so considerable a deduction.

Mr. DEARBORN could see no reason for making the appropriation so large as had been proposed by the gentleman from South Carolina. It must be recollected that the Army was in garrison, where there were barrack-houses convenient for the officers and men, and contracts had been entered into for delivering provisions at the different forts, and there would therefore be a great deduction on account of the transportation, in which seven or eight hundred horses had been used up, and the horses on hand might also be sold. Camp equipage was a heavy article of expense, but which would not be wanted whilst the troops were in garrison. These two articles would of themselves make a very considerable part of the whole item. There would also be a saving in the purchase of horses, as the cavalry made more than half the expense. He did not think more than one hundred thousand dollars could be wanted under this head, except it were wanted for making new forts or fortifications. There would be now no necessity for building officers' houses, and huts for the soldiers for winter quarters. All these circumstances considered, he thought the sum he had mentioned would be sufficient.

The question for filling the blank with four hundred and forty-six thousand was put and negatived, there being only thirteen votes in favor of it. The sense of the Committee was then taken upon three hundred thousand, and carried—there being 51 votes in favor of it.

Mr. W. SMITH then moved to add to the bill, "For the repairs of the fortifications of West Point, twenty thousand dollars."

Mr. CORRIER inquired if there was any estimate of this item.

Mr. GALLATIN said there was no estimate respecting West Point.

Mr. W. SMITH said there was an estimate for Niagara, Oswego, Detroit, &c., which might include West Point, he proposed therefore to change the motion, and insert "Niagara, Oswego, Detroit, &c.," which would include West Point, if necessary.

Mr. GALLATIN wished the gentleman from South Carolina to say whether he had any information with respect to West Point.

Mr. W. SMITH said, he had no particular information on the subject, but as it was of importance the works there should be very complete, he thought it prudent to grant something for that object.

Mr. GALLATIN hoped the proposition would be rejected. There was no necessity for repairing the fortifications of the posts mentioned more than any other of the forts upon the Lakes. They knew nothing of them, but that they were too large for the garrisons in them; but he believed if they once begun to appropriate money for this purpose, it would become a yearly expense. And whilst they had been parsimonious with respect to the ports and harbors of the United States, having only appropriated twenty-four thousand

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dollars to that purpose, he could see no reason for granting twenty thousand dollars for repairing the forts of Niagara, Oswego, and Detroit, against a few Indians; as it was well known that a block-house was as good a fortification against the Indians as any other. When the regiment was raised to go and take possession of that country, they built all their forts as they went along, without any expense, except the price of a few tools. He hoped, therefore, they should not, by voting for this sum, introduce a new item of expense into their annual appropriations.

Mr. W. SMITH agreed with the gentleman last up, that enough had not been appropriated for the defence of the ports and harbors of the United States; but if they had done wrong in one instance, it was no rule why they should continue to do so. He thought it very important that the forts he had mentioned should be so secured at least as that they should not go to ruin. Under this item was included West Point, which was a fort of great consequence; and he would rather forty thousand dollars were appropriated than twenty thousand for this purpose.

Mr. DEARBORN said, as far as the proposition related to Niagara, Oswego, and Detroit, he thought it improper to appropriate money for their defence. He believed it would require a year or two to know what was necessary to be done there. At Niagara, the works were large enough for six or seven thousand men, and it would become a question whether they should be reduced, or kept up as they were; at Oswego, nothing more could be necessary than a block-house. It was true, there were considerable works there, but until it was decided what they should do with them, it would be improper to appropriate money for their repair. The same thing might be said of Detroit. He had no idea that the PRESIDENT could have information from those places of what was necessary. Whatever temporary repair that might be required, the troops themselves would be able to effect. As to West Point, he did not know anything about it, except that it was a place of consequence; he also knew that a great deal of money had been laid out upon it. He hoped they should get into a new system with respect to the defence of our ports and harbors; and until that was done, he should be against granting any considerable sum for this purpose. If gentlemen were in possession of any information on the subject, he perhaps might be induced to vote for a small sum; but not until he knew more of the matter.

Mr. LIVINGSTON spoke of the importance of the fort at West Point, and of the necessity of keeping it in proper repair.

Mr. COIT said, the question seemed to have taken a new turn. He presumed that West Point was not in the idea of the Secretary of War when he made the estimate upon which this bill was founded. If it had been, it would have been very improper to have begun with Oswego, and include West Point in the *et cetera*. In June, 1796, 20,000 dollars, he said, were appropriated for the repairs of this fort, and they had not been informed that it had been expended.

Mr. GALLATIN said, there had been 7,000 dollars expended at West Point; the other 13,000 dollars were not intended for that fort. The present appropriation was doubtless intended for the forts mentioned, and those in the same quarter. If anything was wanted for West Point, a distinct proposition should come before them for that purpose.

Mr. W. SMITH observed, that the gentleman last up had stated that only 7,000 dollars had been expended at West Point; that was only the amount which had been expended at the time the estimate was made; but the whole might have been since laid out, as then only 520,000 dollars of the appropriation of the Military Establishment had been expended.

Mr. GALLATIN said, that the total expenditure of the estimate alluded to was 1,280,479 dollars.

The question was put and negatived, there being only 19 votes in favor of it.

The Committee then rose and had leave to sit again.

A message from the Senate informed the House that the Senate had passed the bill, entitled "An act repealing so much of an act, supplementary to an act, entitled 'An act to provide a Naval Armament,' as relates to the officering and manning of the frigates building in the United States, and appropriating money for the purpose of finishing the frigates United States, Constitution, and Constellation," with several amendments; to which they desire the concurrence of this House.

TUESDAY, February 28.

Mr. LIVINGSTON, from the committee appointed to inquire whether any, and what, alterations were necessary in the act passed last session for the relief and protection of American seamen, made a report, which was referred to a Committee of the Whole to-morrow.

Mr. GALLATIN, from the committee appointed to confer with a committee of the Senate on the disagreeing vote of the two Houses on the subject of the balances due from individual States to the United States, reported that they had held several conferences with the committee of the Senate, but not having come to any agreement, the committee recommend to the House not to recede from their disagreement to the amendment of the Senate. Ordered to lie on the table.

The committee to whom was referred the amendments of the Senate on the Post Office bill, recommended the amendment to be agreed to.

The Secretary of State, to whom was referred the petitions of George Smith and John Robertson, who prayed for a repayment of the money which they had themselves paid for their ransom from Algerine slavery, reported that the ransom of George Smith cost \$2,426, of which Colonel Humphreys had paid \$1,526, and George Smith the remainder; that by the late return of our citizens from Algiers, the expense attending the redemption of each man was ascertained to be \$2,396, independent of the expense of the general negotiation, and allowing for small inaccuracies on ac-

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count of some expenses which could not at present be ascertained. He recommends, therefore, that George Smith have paid him \$873, which, with the sum paid by Colonel Humphreys, would make about \$2,400. John Robinson paid for his own ransom \$1,518, the interest upon which came to \$516, the Secretary therefore recommends that \$2,034 be paid to him.

On motion of Mr. SWANWICK, this report was referred to a select committee, viz: MESSRS. SWANWICK, BLOUNT, COIT, SEWALL, and PARKER.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act in addition to the act, entitled 'An act making an appropriation to satisfy certain demands attending the late insurrection, and to increase the compensation to jurors and witnesses in the Courts of the United States,' with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the amendments proposed by the Senate to the last mentioned bill; whereupon,

Resolved, That this House doth agree to the first amendment, and doth disagree to the last amendment to the said bill.

A message from the Senate also informed the House that the Senate adhere to their amendment, disagreed to by this House, to the resolutions of the fifth ultimo, "relative to the balances found due by Commissioners for settling accounts between the United States and individual States." The Senate have passed a bill, entitled "An act concerning the Circuit Courts of the United States," to which they desire the concurrence of this House.

GENERAL APPROPRIATION BILL.

The amendments from the Senate to the bill making appropriations for the support of Government for the year 1797, were taken up and agreed to, as also those to the bill laying additional duties on sundry articles of impost. The amendments which were agreed to were, to add to white cotton goods, "velvets and velverets, whether printed, stained, colored, or otherwise, and all muslins and muslinets, two and a half per cent." And also a new section, enacting that an addition of 10 per cent. should be laid upon these articles when imported in ships or vessels not of the United States. The duties are to take place after the 31st of December next.

POST OFFICE BILL.

The House took up the report of the select committee on the amendments of the Senate to the Post Office and Post Road bill, which they went through, agreeing to some and rejecting others. One of the amendments agreed to was, that GEORGE WASHINGTON shall have the privilege of franking letters and packets during his life—yeas 38, noes 26.

MILITARY AND NAVAL APPROPRIATIONS.

The House again resolved itself into a Committee of the Whole on the Military and Naval Ap-

propriations; when, the pay and subsistence of three Captains in the Naval department being under consideration—

Mr. SWANWICK thought it would be necessary to have a laborer or two employed to take care of the vessels and materials.

Mr. W. SMITH said, the estimate for the Captains was \$4,200; if the sum was made \$5,000, there would be sufficient for the payment of any laborers which might be necessary. Agreed to.

The blank for the payment of Military Pensions was agreed to be filled with \$96,350.

And for making good the deficiencies of the Military Establishment of 1796, \$76,312.

Also, for the payment of the expedition of General Sevier into the Cherokee nation, \$22,816.

The Committee now rose, and had leave to sit again.

The House again resolved itself into a Committee of the Whole on the Military Appropriation Bill, and, after debating several articles, they got through the whole. The Committee rose, and just as the amendments were about to be taken up in the House—

The following Message, in writing, was received from the PRESIDENT OF THE UNITED STATES, containing his objections to the bill for fixing the Military Establishment:

Gentlemen of the House of Representatives:

Having maturely considered the bill to alter and amend an act, entitled "An act to ascertain and fix the Military Establishment of the United States," which was presented to me on the twenty-second day of this month, I now return it to the House of Representatives, in which it originated, with my objections.

First. If the bill passes into a law, the two companies of light dragoons will be, from that moment, *legally* out of service, though they will continue afterwards *actually* in the service; and for their services during this interval, namely, from the time of *legal* to the time of *actual* discharge, it will not be lawful to pay them, unless some future provision be made by law. Though they may be discharged at the pleasure of Congress, in justice they ought to receive their pay, not only to the time of passing the law, but at least to the time of their actual discharge.

Secondly. It will be inconvenient and injurious to the public to dismiss the light dragoons as soon as notice of the law can be conveyed to them, one of the companies having been lately destined to a necessary and important service.

Thirdly. The companies of light dragoons consist of one hundred and twenty-six non-commissioned officers and privates, who are bound to serve as dismounted dragoons when ordered so to do. They have received, in bounties, about two thousand dollars; one of them is completely equipped, and above half of the non-commissioned officers and privates have yet to serve more than one-third of the time of their enlistment; and, besides, there will, in the course of the year, be a considerable deficiency in the complement of infantry intended to be continued. Under these circumstances, to discharge the dragoons does not seem to comport with economy.

Fourthly. It is generally agreed that some cavalry, either militia or regular, will be necessary; and, according to the best information I have been able to obtain,

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it is my opinion that the latter will be less expensive and more useful than the former in preserving peace between the frontier settlers and the Indians, and, therefore, a part of the Military Establishment should consist of cavalry.

G. WASHINGTON.

UNITED STATES, February 28, 1797.

On motion,

"Resolved, That to-morrow be assigned for the reconsideration of the said bill, in the mode prescribed by the Constitution of the United States."

The question to concur was put and carried—40 to 37.

Mr. GALLATIN then moved to postpone the further consideration of the bill until the first Monday in December next. The amendment of the Senate, he said, which had just been adopted, put the bill upon this ground: The law, which was of doubtful construction, was not to be repealed, but suspended. This would go to establish what was at present doubtful. It would be as much as to declare that the PRESIDENT should have the power to man the frigates; on the other hand, if they said nothing, but suffered the bill to die, the contrary construction would prevail. He thought the true construction of the law at present was, that the PRESIDENT had not the power to man the vessels; but if the bill were passed, as amended, by suspending the power, they would give him the power. If no bill was passed, he was of opinion the PRESIDENT would not attempt to man the frigates. He never looked upon this bill in any other light than as settling a doubtful point; and since the amendment of the Senate had been agreed to, the best way would be not to pass the bill at all.

The question for postponement was put and carried—43 to 29.

PENSION CLAIMS.

The House resolved itself into a Committee of the Whole on the bill for placing certain persons on the pension list; when a considerable discussion took place on motions to admit Samuel Hull and Godfrey Sweet upon the bill. The former was proposed by Mr. DAYTON, (the Speaker,) and the latter by Mr. VAN ALLEN. Neither of them, it seems, had complied with all the forms of the law, though there seemed to be little doubt that both were entitled. The only informality in the case of Samuel Hull was, that his affidavits had been taken before Justices of the Peace instead of Judges of the District Court. Mr. D. plead this poor man's cause in a most feeling manner; and the consequence was, that Samuel Hull was placed on the pension list.

Mr. VAN ALLEN was not so successful, though the case of Godfrey Sweet appeared to be a hard one, and he had only failed to give evidence of the rates of his disability. The bill was ordered to be engrossed for a third reading.

WEDNESDAY, March 1.

Mr. SWANWICK made a report on the petitions of James O'Brien and James Aylwards, mariners, who fled from Newfoundland at the time the

French landed there, and put into Portsmouth, where their vessels had been seized for tonnage duties; they prayed for a remission of the duties. The report was favorable. It was opposed by Mr. COIT, as being contrary to law, but supported by Messrs. SWANWICK, W. SMITH, and SEWALL, as one of those strong cases which ought to form an exception to any general rule. The report was finally agreed to; afterwards a bill was reported, it was engrossed for a third reading, and, before the House rose, passed.

The bill directing certain pensioners to be placed on the pension list was read a third time and passed.

A bill was received from the Senate concerning the Circuit Courts of the United States; which was twice read, and committed to a Committee of the Whole to-morrow.

MILITARY ESTABLISHMENT.

Mr. GALLATIN wished the bill for fixing the Military Establishment, which had been returned by the PRESIDENT OF THE UNITED STATES, with his objections, to be taken up.

Mr. W. SMITH hoped this subject would be taken up, but before it was entered upon, he wished the Committee of the Whole to be discharged from the consideration of it, as he found, in a former instance of a similar kind, the business had been settled in the House. The Committee was accordingly discharged. The House then proceeded to reconsider the bill, agreeably to the direction of the Constitution. The bill was first read, and then the objections of the PRESIDENT.

The bill is in the following words:

An act to alter and amend an act, entitled "An act to ascertain and fix the Military Establishment of the United States."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third section of the act passed the thirtieth of May, one thousand seven hundred and ninety-six, entitled "An act to ascertain and fix the Military Establishment of the United States," together with all other parts thereof which relate to provision made for the Major General and his staff, be repealed; and that all such parts of the said act which relate to the light dragoons, together with so much of the twenty-third section of the said act as may be construed to affect the Brigadier, and the whole of the eleventh section of the said act be, and are hereby, repealed.

And be it further enacted, That there shall be one Brigadier General, who may choose his Brigade Major and Inspector from the Captains and subalterns in the line, (to each of whom there shall be allowed the monthly pay of twenty-five dollars, in addition to his pay in the line, and two rations extraordinary per day; and whenever forage shall not be furnished by the public, to ten dollars per month, in lieu thereof.) That there shall be one Brigade Quartermaster, one Brigade Paymaster, and one Judge Advocate, who shall be taken from the commissioned officers of the line, and each of whom shall be entitled to receive two rations extra per day, and twenty-five dollars per month, in addition to his pay in the line; and whenever forage shall not be furnished by the public, to ten dollars per month, in lieu thereof.

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And be it further enacted, That, from and after the thirtieth day of June next, the monthly pay of the Lieutenants shall be thirty dollars, and that of the Ensigns, twenty-five dollars; that to the Brigadier, while Commander-in-Chief, and to each officer, while commanding a separate post, there shall be allowed twice the number of rations to which they would otherwise be entitled.

And be it further enacted, That the Majors be entitled to receive four rations per day for their subsistence.

And be it further enacted, That to each commissioned officer who may have been deranged under the act "to ascertain and fix the Military Establishment of the United States," or who may be deranged under the present act, there shall be paid one hundred dollars.

JONATHAN DAYTON,

Speaker of the House of Representatives.

WILLIAM BINGHAM,

President of the Senate pro tempore.

The SPEAKER then read the clause in the Constitution which directs the proceeding on such an occasion, and which says, that in case two-thirds of the House wherein it originated shall be in favor of passing the bill, it shall be sent to the other, and if two-thirds of that House be also in favor of it, it shall become a law. The votes of both Houses to be determined by yeas and nays.

Mr. NICHOLAS said, he meant to vote against the bill, but he did not wish to stand charged with refusing to pay the men for the time they were in service. He thought this bill was by no means liable to a charge of this kind. As it could scarcely be supposed that, at the time they were making a voluntary gift of \$100 to every officer discharged, the Legislature meant to defraud the men of their pay.

Mr. W. SMITH did not see any necessity for the observations of the gentleman from Virginia. There was nothing in the Message of the PRESIDENT which charged that House with an intention to defraud the men of their pay. Whatever was the design of gentlemen, this was not the charge. But certain it was that this would be the result of the bill, and it would be six weeks or two months before they could be notified that the act was passed. It was the legal opinion of the Attorney General, therefore, that they would not be entitled to pay during that time.

Mr. NICHOLAS was sorry that the gentleman from South Carolina and he did not think alike on the subject; he thought the objections he had made were necessary, and he had made them for the purpose stated. He thought the PRESIDENT ought not to have doubted their willingness to have allowed the pay in question. He was of opinion the House had given some extraordinary proofs of their liberality this session; amongst other proofs of this, they had determined to appropriate money for the building of a thirty-six gun frigate, which he had caused to be built without authority. But the pay of these men was so much a point of law, that he believed the men would have been entitled to pay.

Mr. W. SMITH said, their having agreed to give each of the officers \$100, without mentioning the men, rather went against the gentleman's conclusion; because, if anything had been intended to

have been given to them, they would also have been mentioned.

Mr. WILLIAMS was sorry that some things had not been more attended to, when that bill was under consideration; and, although there would be a difficulty respecting the Brigadier General and Staff, yet he thought the objections well-founded, and would vote against the passing of the bill, in order that a new one might be brought in to avoid the objections, from the demands lately made for the protection of the frontiers of Georgia and Tennessee, which amounted to upwards of \$300,000; he fully agreed with the PRESIDENT that it would be less expense to keep up the two companies of dragoons than to employ militia horse.

The yeas and nays were then taken, and stood 55 to 26, as follows:

YEAS.—Theodorus Bailey, Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Nathan Bryan, Daniel Buck, Dempsey Burges, Samuel J. Cabell, Gabriel Christie, Thomas Claiborne, John Clopton, Isaac Coles, Henry Dearborn, William Findley, Jesse Franklin, Albert Gallatin, James Gillespie, Christopher Greenup, Andrew Gregg, William B. Grove, Wade Hampton, Carter B. Harrison, John Hathorn, Jonathan N. Havens, John Heath, James Holland, Andrew Jackson, Geo. Jackson, Aaron Kitchell, Edward Livingston, Matthew Locke, Samuel Maclay, Nathaniel Macon, Jas. Madison, John Milledge, Andrew Moore, Frederick A. Muhlenberg, Anthony New, John Nicholas, Alexander D. Orr, John Page, Josiah Parker, John Patton, John Richards, John S. Sherburne, Thompson J. Skinner, Israel Smith, Richard Sprigg, jr., Thomas Sprigg, William Strudwick, John Swanwick, Zephaniah Swift, Abraham Venable, and Richard Winn.

NAYS.—Fisher Ames, Theophilus Bradbury, Joshua Coit, William Craik, Samuel W. Dana, James Davenport, George Dent, George Ege, Abiel Foster, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Chauncey Goodrich, Roger Griswold, Robert Goodloe Harper, Thomas Hartley, Thomas Henderson, William Hindman, John Wilkes Kittera, Samuel Lyman, William Lyman, Francis Malbone, William Vans Murray, Eli-sha R. Potter, John Reed, Samuel Sewall, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, Isaac Smith, William Smith, George Thatcher, Richard Thomas, John E. Van Allen, Peleg Wadsworth, and John Williams.

The bill being accordingly lost, Mr. NICHOLAS moved that a committee be appointed to bring in a new bill, which being agreed to, a new bill was reported (exactly the same as the former, except an omission of the parts objected to by the PRESIDENT.) It was ordered to be engrossed for a third reading, and afterwards passed.

On motion of Mr. AMES, the House went into a Committee of the Whole on the bill for placing certain buoys in and near the harbor of Boston; which was agreed to, after filling up the blank for six large buoys with \$1,600, and that for ten small ones with a like sum; the bill was ordered for a third reading, and afterwards passed.

The bill for extending the time for receiving on loan the Domestic Debt of the United States, went through the same form, and was passed.

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Distilled Spirits—Hanging Maw.

[H. OF R.]

DUTIES ON DISTILLED SPIRITS.

The House resolved itself into a Committee of the Whole on the amendments of the Senate to the bill for making regulations with respect to the duty on spirits distilled within the United States. They proposed to do away the licenses for two weeks, and to provide only for monthly licenses, to bear date on the first day of every calendar month.

Mr. HARRISON hoped these amendments would not be agreed to. It was well known that, in the Southern parts of the Union, there was a small distillery on almost every farm; but, if these amendments were adopted, it would have the effect to destroy them, and the law would become particularly odious to the people; it would, also, wholly defeat the purpose of raising revenue from the tax.

Mr. PARKER also alleged that it would be the ruin of many small stills; there were a thousand, he said, in his district, which did not distil one hundred gallons a year. When the law was passed which had been in force, Mr. P. said, he was obliged to quiet the minds of the people by telling them that it was according to the Constitution. Many, he said, had not fruit enough to employ a still more than two or three weeks; besides, owing to their inconvenient situation, they were frequently obliged to stand still in the middle of their work. Indeed, he thought if they were oppressed too much by this law, the consequences would be bad, for though he did not immediately conceive of an insurrection, yet they certainly would oppose the officers of collection, and, from one step to another, it may lead to that dangerous end. He thought, as times were rather critical, and we had enemies enough abroad, we should be careful not to make them at home also.

Mr. DAYTON said, nothing could be more true than the observations of the gentlemen last up—this would certainly tend to ruin all the small stills. He was sorry no more attention was paid to the public good. Its tendency must go to destroy all small distilleries, and without any aid to the revenue, but would lessen it, for at least one-third of the distilleries would drop. He hoped, therefore, the House would adhere to their former resolutions, without which he would rather no bill should pass.

Mr. MAON spoke to the same effect, observing that, as there could be no good, it would be wrong to run a risk of either. The question, on a disagreement from the Senate, was then put, and passed unanimously.

CASE OF HANGING MAW.

Mr. BLOUNT called for the order of the day on the report of the Committee of Claims on the petition of the widow of the late Scollacuttaw, or Hanging Maw. The House accordingly went into a Committee thereon, when the report was read, as follows:

"That the complaints against the conduct of one John Beard, and a number of armed men, who, she states, in the year one thousand seven hundred and ninety-three, contrary to law and the good faith of Go-

vernment, attacked the dwelling-house of the petitioner and husband, killed and wounded a number of well-disposed Indians; burnt, and destroyed, and carried away their property, and wounded the petitioner. She now prays that some provision may be made for her.

"After examining the statement made by the petitioner, and the facts upon which she rests her present application, the committee have found some difficulty in deciding what measures would be most advisable for the House to adopt.

"Previous to the attack on the Hanging Maw, the frontier settlers of Tennessee and the Indians in that quarter had been guilty of mutual acts of aggression and hostility. A party of the Indians had killed some settlers; their trail was discovered, conducting across the Tennessee—this circumstance induced a belief in their pursuers that the Hanging Maw had been concerned in that business, and occasioned his being wounded, and the misfortunes complained of by his widow. The general opinion, however, represents the Hanging Maw as having been uniformly friendly to the settlers; as vigilant to apprise them of the approach of banditti, and constant in his exertions, on all occasions, to compose difficulties between them and his nation; and, withal, as possessing considerable influence over the Indians. The same disposition is also attributed to his widow, the present petitioner; who, instead of exciting her people to acts of retaliation, has abated nothing in her friendship to the white people.

"All these circumstances seem to countenance, if not to require for her a pension from the Government, or some other relief from the Legislature. Such a provision might also be considered as extending its influence beyond the particular object; or, as an inciting cause to other Indians to pursue a similar line of conduct, under circumstances alike cruel and distressing, should they happen.

"But, on the other hand, it is to be considered that there are citizens on the frontiers who have suffered injuries as cruel, and deprivations as severe, by the Indians; and who have been thereby left in situations of distress that would equally call for assistance from the Legislature. Questions arise whether both descriptions of sufferers ought not to be provided for? Whether the abilities of Government would be competent to meet all possible claims of this nature? And whether help can be extended by law to the one, and consistently refused to the other?

"It may be said that those who settle on the frontiers voluntarily assume all the risks and dangers attached to that position; and, therefore can have no just claim upon the Government for consequences resulting from their choice; whilst, on the contrary, policy requires that the minds of Indians, who may be roused to hostility by acts of the settlers, should be quieted by small pecuniary interpositions.

"Under these views of the subject, the committee have hesitated what report to make; but, upon the whole, as the authority vested in the Executive Department is competent to meet this claim; and should the petitioner, from her sufferings and her attachment to the United States, appear to the Executive to be entitled to any annual relief, as it may be afforded out of the appropriations for contingent expenses in the Indian department, without any interference of the Legislature, and as this mode will probably involve the fewest difficulties, the committee think she should apply to that department; and that the prayer of her petition ought not to be granted."

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American Seamen—Military Appropriations.

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The Committee reported their agreement with the resolution reported from the Committee of Claims

The question was taken, that the House do agree with the Committee of the Whole House in their agreement to the said report, and resolved in the affirmative.

PROTECTION OF AMERICAN SEAMEN.

On motion of Mr. LIVINGSTON, the House resolved itself into a Committee of the Whole on the bill in addition to an act for the relief and protection of American seamen. This bill was brought forward to supply an omission in the bill passed last session, respecting the manner in which certificates of citizenship should be granted. This part of the bill occasioned considerable discussion last session, and was a subject of conference between the two Houses; but, from some unaccountable neglect, was omitted in the law, and had been supplied by the PRESIDENT, who had adopted the plan agreed upon by the two Houses, except that he had somewhat enlarged it. The bill now proposed was a copy of the provisions which had been acted upon by the PRESIDENT.

Mr. HARPER spoke at considerable length against the mode laid down for the ascertaining of citizenship, which was to be proved, in case of the failure of a copy of the register where the person was born, by one credible witness. Mr. H. proposed that the testimony of three freeholders should be necessary.

Messrs. W. LYMAN, BUCK, and LIVINGSTON, severally spoke against the motion, when the question was put and negatived—three members only rising in favor of it.

The bill was ordered to be engrossed for a third reading to-morrow.

BALANCES DUE FROM STATES.

The House proceeded to consider the amendments proposed by the Senate to the resolution calling upon the States for the payment of certain balances.

Mr. W. SMITH moved to recede from their disagreement to the Senate's amendments, which was negatived—there being only twelve votes in favor of it.

Mr. NICHOLAS then moved to adhere, and the motion was carried.

Mr. SWANWICK reported a bill to authorize a statement of the claims of George Smith and John Robertson, formerly slaves in Algiers; which was referred to a Committee of the Whole.

THURSDAY, March 2.

The bill for the relief of American seamen was read the third time and passed.

MILITARY APPROPRIATIONS.

On motion of Mr. W. SMITH, the House went into a Committee of the Whole on the bill making appropriation for the Military Establishment, when the following items were agreed to without debate:

For the payment of the Army	-	\$256,450
For the subsistence of the officers	-	47,395
For the subsistence of non-commissioned officers and privates	-	245,283
For forage	-	14,904
For clothing	-	83,050

Mr. W. SMITH then proposed to insert a new item, in consequence of the bill just passed, "For the purchase of horses and the equipment of the cavalry, \$16,085."

Mr. GALLATIN said, the items which had been agreed to was upon the ground of an increase of 126 dragoons which were not in the former bill. The item now under consideration went to provide horses and equipments for an additional company of cavalry. It appeared that this company was heretofore without either, so that they must have been employed as dismounted dragoons; and if they now appropriated the sum before them, they would, in fact, add a company of horse to the establishment. He believed it to be the general opinion that they had cavalry sufficient at present; indeed, it was the opinion of a large majority of that House that none were necessary; but if they did appropriate for any, he thought they ought not to go beyond the present establishment.

Mr. W. SMITH said, if they refused to make the appropriation under consideration, they declared that one of the two companies of cavalry should act as infantry. By the bill passed yesterday, it was left altogether to the option of the PRESIDENT to employ them either as cavalry or infantry: but if this appropriation was withheld, he would be under the necessity of employing them as infantry only, and this House would now exercise a discretion which only yesterday they had vested in the Executive.

It would be observed, that, in the Message of the PRESIDENT, he had fully stated the reasons why dragoons would be requisite. The business upon which one of the companies was at present employed was to escort the Commissioners employed in running the boundary lines betwixt the territory of the United States and the Indians; the other was indispensable for the protection of the frontiers.

What, Mr. S. asked, would be the consequence of refusing this appropriation? One of the companies of dragoons would be obliged to act as infantry, and Government would be compelled to employ militia-horse at a great expense. If this was economy, he was mistaken in his ideas of economy. The sum was conformable to the estimate which he had received from the War Office.

Mr. HARTLEY was in favor of the appropriation, that the PRESIDENT might be at full liberty to employ the troops on foot or on horseback, according as the service might require.

Mr. NICHOLAS thought, while they were making appropriations, this object might as well be included. If these men were to be kept, they ought to be properly equipped. He said it was the opinion of the PRESIDENT and the Secretary of War that cavalry was necessary, and therefore he had concluded it would be proper, and wished them to

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be kept up, so as to be called into service whenever necessary.

Mr. MILLEDGE thought there was great need of cavalry; it would be an object of policy, as, by information he had received from the Governor of Georgia, (which he had in his hand, and which was corroborated by a late Governor,) horse were absolutely necessary—he thought three companies—on the frontier. He therefore was in favor of the appropriation.

Mr. VARNUM had no doubt but the gentleman from Georgia, and every gentleman in the House, would be glad to have horse and infantry too kept up in their State: every part would be glad to have the public money expended upon it. He could not see why a body of cavalry should be kept up in a time of peace. He thought the Legislature had as good a right to judge as any person, notwithstanding the authorities produced to sanction the appropriation. Mr. V. had no doubt, if this was granted, that application would soon be made again for a similar purpose. He hoped this appropriation would not take place; it would be a small saving, and might as well be made, as there was so much want of it. He could have wished the troops reduced to two regiments, which he thought quite sufficient for a Peace Establishment. He hoped the PRESIDENT's ideas on the subject would not obtain to govern the decisions of the House, as we have the power, said he, to withhold appropriations; and what gentlemen who were locally concerned should say, he could not be guided by; as soldiers would consume their produce and spend money amongst them, consequently they were interested.

Mr. CRAIK really lamented that the gentleman had not been in the House yesterday, at the time the subject was more under consideration: he might then have inveighed against the PRESIDENT. The observations might have come with more propriety, if they had been made before the bill passed, and when under discussion; but, after a law has passed the proper authorities—after it has been resolved to have these troops of horse—to say, we will not appropriate money to carry it into effect, is strange conduct. If the determination of the gentleman was to oppose the bill, he should have used every means to that purpose, and if not effectual, at least to suffer others to enjoy their will—especially a majority. For the sake of consistency, he hoped the gentleman would withdraw his opposition, and not in this side-way try to defeat the operation of a bill which has passed. The cavalry were voted because they were supposed to be necessary, and now a gentleman comes forward, endeavoring to excite the jealousy of the House on the Executive's meddling with the Military Establishment. Mr. C. said he was pleased that the PRESIDENT had refused it, if it was only to convince some gentlemen that he had power to refuse that or any other bill. [Here Mr. DENT asked the gentleman if he was in order.] Mr. CRAIK said he only wished to prove the inconsistency of the member's conduct. He thought the House should not betray a want of consistency. He believed, from the statement of the member

from Georgia, and the reasons of the PRESIDENT, that horse were necessary, and he therefore should wish the appropriation to be passed.

Mr. KITCHELL said, gentlemen seemed to be mistaken; they were continually alluding to the law passed yesterday. There was not a word about two troops of horse yesterday. All we then said, was, that we would not say there should not be two troops of horse; the Message of the PRESIDENT did not say that two troops should be mounted, nor do I say, said Mr. K., that horse are not necessary; I think some are necessary; but the inquiry seemed to be, now, whether the House were to vote for more.

Mr. W. SMITH said, the gentleman's observations were very extraordinary; he surely could not have attended to the subject, to say that the House had not passed the law authorizing two troops of horse. We have a law in force, said he, to ascertain and fix the Military Establishment, in which we authorize the PRESIDENT to employ the two troops of dragoons, to serve either on horse or foot, at his discretion. The bill we sent up yesterday does not repeal that law, and yet gentlemen would now come forward to oppose the appropriation, and determine they shall act on foot. He could not think with what propriety the restriction could be made as the gentleman from Massachusetts wishes, nor could he think how the gentleman from Jersey had attended. Should we now say they should be at our direction, and that we would not grant money without? This would be strange conduct—an assumption of power which he hoped the House would never arrogate.

Mr. KITCHELL said his meaning was, that the horse were not established yesterday, but before.

Mr. HARTLEY said it appeared, from good testimony, that the troops were requisite to save the people on the frontiers from the depredations of the Indians; he thought, therefore, that they having been established before, the House were bound to make the appropriation to give effect, or show the great inconsistency.

Mr. NICHOLAS said it was not his intention to vote for these men at all; but if they must have them, perhaps it would be most economical to equip them. With respect to their power of withholding the appropriation, he had no doubt; and though they had yesterday passed a law establishing two companies of cavalry, it was in the power of that House, of the Senate, or of the PRESIDENT, to refuse an appropriation. This was the sense of the Constitution. When the bill came before the House, he should give his negative to the additional horse; for, if they were always to keep up the same number of men, whether in war or peace, except two-thirds of both Houses were found to oppose the will of the PRESIDENT, they might bid adieu to all restraint upon Executive power, and count upon a military Government, if ever an Executive should be found whose will it should be to make it so. If these were to be kept up, he would still say the House had better go to \$100,000 expense to mount them on horseback.

Mr. VARNUM said it was observed by gentlemen that those troops were not mounted; if so, there

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must have been a very lavish waste of money. However that might be, gentlemen who state this matter ought to state it fairly. They ought not to say that two companies of cavalry were yesterday voted. No, they were part of the old War Establishment. It was true, the House had not the power to repeal the law; but one thing was in their power, and that they ought to do, if they see this part of the standing army necessary. The Constitution returns the power to act on it once in every two years to each branch of the Legislature. The House, he thought, had good right to exercise their own opinion on the necessity of mounting these men. It was not in the power of one branch to repeal the law which keeps these men, but we ought to consider whether they are to be put in the same situation as in time of war. Mr. V. said he discharged his duty in voting against this appropriation. The House had a right to judge, and it was not in the power of the PRESIDENT to act for them.

Mr. HEATH said that the subject had been fully discussed, and therefore he should only observe, that, from the authority which had recommended the mounting of these cavalry, he should vote for the appropriation.

Mr. MILLEDGE repeated his arguments on the local situation of the country, and asserted the absolute necessity of the troops.

The motion was put and carried—there being 56 in favor of it.

NAVAL APPROPRIATIONS.

Mr. W. SMITH then proposed to add \$172,000 for finishing the frigates United States, Constitution, and Constellation.

Mr. NICHOLAS said he should be against appropriating so large a sum for this purpose. It was the sense of the House, on a former occasion, that it would be proper to appropriate such a sum as should put them in such a situation as to secure them from injury, but to stop short of making them fit for sea, that the expense of manning them might be avoided.

Mr. SWANWICK said a new view of the subject seemed to be brought forward at present. Before, they had determined to finish the frigates; but now, they were not to finish them, lest they should be manned, but to finish them in part only. A gentleman yesterday said, when speaking on the subject of the PRESIDENT'S Message, that he could not suppose they would have refused to pay the soldiers, though there might be some deficiency in the expression of the act; and might he not suppose, said Mr. S., that if the frigates were so nearly finished, he might go on to finish them, and trust to the Legislature to furnish the money? These frigates, he said, were a very extraordinary concern. It seemed as if it was only when it were to be made a present of to Algiers, that a frigate could be finished, and not when it was for the protection of our own commerce. He trusted, however, that there would not be a majority found in that House who would vote against finishing the frigates: as to manning them, that would remain for a future consideration.

Mr. PARKER said, it would require all the money which had been named for finishing the frigates, without rigging, though there would be a considerable quantity of materials left on hand. There need be no apprehension of their being manned, whilst seamen's wages remained at the price they were, because men could not be got on the terms stipulated in the law for this purpose. If a smaller sum than was mentioned were to be granted, they might as well give nothing.

Mr. SITGREAVES supposed the blank was now proposed to be filled with the same sum which had been agreed upon on a former occasion. If this were the case, it ought to dissipate the fears of the gentleman from Virginia, [Mr. NICHOLAS,] as it was well known that the sum was predicated upon a supposition that the frigates were not to be manned. If they were to be manned, a further appropriation would certainly be necessary.

Mr. NICHOLAS said, it appeared to him that if all gentlemen were agreed that this business should go no further than the building of the frigates, they could have no hesitation to leave undone some of the internal finishing work of the vessels; if they did not wish to put them into such a situation as that they might force them into service upon the spur of an alarm, they could have no objection to their being left in such a situation as to be perfectly secure, but not finished fit for sea.

Mr. SITGREAVES said this subject had heretofore undergone a very full discussion. A motion was then made merely to finish the hulls, which was negatived. It was then said that contracts were made for all the materials, and that except the frigates were finished, the engagements which had been entered into could not be fulfilled. But there was another security against the danger apprehended. They had lately come to a determination to make all appropriations specific and particular. What was the language of the present appropriation? It was for finishing the frigates, not for manning them. If it had been said to be for carrying into effect the law for the Naval Establishment, there might have been some little ground for apprehension; but, as it now stood, the Executive could not proceed to man the vessels.

Mr. NICHOLAS said, when they voted the sum now asked for finishing the frigates, the expenditure was accompanied by a law to repeal the manning clause of the former act. He had made inquiries respecting contracts, and found the money in hand was equal to the fulfilment of them; if there had been any others, he supposed they should have heard of them. He again said there were many ornamental parts of the vessels which might be as well thrown upon the expense of next year as of this.

Mr. SWANWICK said, if Government could have had foresight sufficient to have known that there would have been any objections made to the finishing of the frigates, they would certainly not have entered into any contracts to that extent, but they could not possibly do this. He wished, if gentlemen were determined the frigates should not be made use of, that they would say at once

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they should be sold on the stocks. With respect to manning of them from the money proposed to be appropriated, that was impossible, and he saw no reason for making the business *doubly sure* by any other precaution.

Mr. HOLLAND said it was, with great propriety, intended by many members in the House to keep the frigates in such a state as to prevent their being manned. If we appropriate to finish them, said he, we shall be exposed to all the difficulties depicted by the gentleman from Pennsylvania; for some way would be devised to procure and pay men, if the House put it in the power of the Executive to do it: therefore, he hoped, to avoid all that trouble and expense, they would not vote to finish them. For what purpose said he, should they be finished, unless it were intended to man them? To avoid every danger of that kind, he should vote against the sum proposed.

Mr. HARTLEY said, that last year the six frigates which had been before voted for were reduced to three, with intent to complete them. Was it not probable then, he would ask, that the PRESIDENT would proceed to complete those frigates, according to the power given him? Was it not to be supposed that contracts were entered into for that purpose? No person could suppose but contracts were made. Then certainly the House ought not to expose the Executive to the ridiculous situation of receding from his contracts! They would not be finished before next session, and therefore no danger of equipping could be apprehended. It may be necessary to use them, but at any rate it would be running no risk to have them finished, as they could not be manned by this appropriation.

Mr. GALLATIN said, there seemed to be involved in the present consideration the question whether or not we should have a Navy. As to himself, he should vote against the present appropriation, because if the frigates were completely finished he should fear they would get to sea. When they had on a former occasion consented to finish them, it was under the condition of the law for manning being repealed; but they now stood upon new ground. Mr. G. said he had been charged with inconsistency of opinion, from having before said that he thought the PRESIDENT would not be authorized to proceed in the manning of the vessels under the present law, whilst he was now apprehensive that he might do so. He wished to be on sure ground. He did not know but the PRESIDENT might put a different construction upon the law from him. Indeed, from the experience they had had of Presidential discretion, they need not be surprised if the vessels were sent to sea, though no appropriation was made for the purpose, should the PRESIDENT suppose there was any plea for doing so. As a proof of this power having been exercised heretofore, Mr. G. referred to the Western insurrection. In that case, he said, no appropriation was made for the expense; but the law authorizes the PRESIDENT to call out the militia when he shall see occasion to do so; he called them out, and got money from the Treasury. Indeed, the building of a frigate for Algiers, without

any authority, and the pledging of the faith of the nation to pay the expense of the law-suits of our citizens in London, were strong proofs of what the Executive could do.

Mr. G. said he did not mean to bring into view any arguments relative to the propriety of establishing a Navy in this country. He should vote against the present motion, because he did not wish to see the frigates at sea, and because he conceived a Navy to be prejudicial to the true interests of this country. Something had been said about contracts, but he did not believe any existed. They had last year been told the same thing. Any person reading the statements which had been furnished to them, would perceive that the business was not done by contract, but that men were employed by Government, and regular wages paid to them. The frigate which had been built for Algiers had been built by contract, they had an estimate of it at so much a ton, but this was not the case with respect to any other of the frigates.

Mr. W. SMITH did not wish to go into a long debate on the subject, when they had so much business before them, in order to show whether it was proper for this country to have a Navy or not; the only question now was, whether they ought to appropriate money for finishing the three frigates. If they did not do it, all the money which had been already expended would probably be lost. The only objection to the doing of this seemed to arise from a fear that the vessels would be manned, though when this subject was before them, the other day, the gentleman from Pennsylvania [Mr. GALLATIN] moved to postpone the bill relative to the repealing or suspending the law for manning the vessels till next session, from an opinion that, by the present law, the PRESIDENT was not authorized to man them. That gentleman seemed now, however, in contradiction to himself; to fear the PRESIDENT would put a different construction upon the law: if he did not believe the PRESIDENT would violate the law, he could not account for his refusing now to vote the money which was merely necessary to finish the vessels. Mr. S. read an extract from the report of the Secretary of War, to show the forward state in which the vessels were, and added, that they were bound in duty to finish them, were it only to prevent the loss of the money already expended upon them.

Mr. DEARBORN observed, that if he was convinced, from the documents which had been laid before them, that the sum now asked for was necessary merely to finish the frigates, he should not hesitate to vote for it; but it was not a little extraordinary that the gentlemen on that committee (not even the chairman, who seemed to have the business so much at heart) could not say whether this sum was necessary for finishing and rigging, or finishing without rigging, or for finishing, rigging, and manning. The frigate building in this city, the captain had told him, was calculated, in point of size to carry 62 guns, instead of 44; which was one of the reasons they had cost so much more than they had been estimated at.

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Mr. D. said, he suspected that the sum proposed would not only be sufficient to finish the hulls, but to rig and fit the vessels for sea, and until he had more satisfaction on the subject he could not consent to give his vote for it.

Mr. KITTERA observed, that gentlemen first said, that under the present law, the PRESIDENT could not proceed to man and send the vessels to sea, but now they were apprehensive this might be done, though no appropriation was made for the purpose. This, he thought, somewhat inconsistent; but he believed whilst thirty dollars a month was given to seamen by merchants, and their law only authorized eleven to be given, there was not much to be feared on this head.

Mr. AMES said, that gentlemen opposed to the finishing of the frigates, seemed to be also opposed to all ideas of this country ever becoming a naval Power; the necessity of this, he was persuaded, would ere long appear. It was not to be supposed that a nation whose commerce was greater than that of any other, except Great Britain, should go on long without a naval protection; and he believed the more strenuous the opposition shown against this measure, the sooner it would be accomplished; he was not therefore displeased to see the present violent opposition to everything which looked towards this object.

It was not enough, Mr. A. said, for gentlemen to discourage the building of ships, they would also discredit the administration of Government; and nothing was more natural than that those who thought so ill of it themselves should endeavor to spread those opinions. This was done continually. With respect to the building of the frigates, he thought it was a wise step; and as to the extra expense and delay which had attended the business, he believed, gentlemen might take a share of the blame upon themselves, on account of the versatility which had been shown upon the occasion, in this day agreeing upon one thing, and that upon another. It was true, that another cause of extra expense was owing to a resolution which had been taken to make the ships much larger than was contemplated by the House; the vessel building here, he believed, was nearly 1,600 tons. He was glad that this alteration of plan had been adopted; not because more money would be expended on this account; not because contrary to the direction of the Legislature, but because true wisdom required it; they would now be an overmatch for any frigate, or any vessel which the Algerines could send out against them. These, he believed, were the views of the Executive in having them built of the size they were. The number of the frigates agreed to be finished had been reduced to three; and these they last session passed a law to finish. But what was now to be done? It was said they should not be finished. Who said this? Did the people? did the Government say it? No; that House alone said it: so that that House were about to usurp the supreme authority. We are the Government, we are the people, we are every thing.

But, if there be a law which says that these three frigates should be built and equipped for

sea, was it not necessary, before it was concluded that they should not be so built and equipped, that this law should be repealed by all the branches of the Legislature? No, say gentlemen, we can appropriate or not, according to our sovereign will and pleasure. If they possessed the power to nullify what was enacted by all the three branches of Government, it was greatly to be lamented. But if they could appropriate according to their will, they were bound to do it also according to their consciences too. It was not only a weapon, but a shield, which it was their duty to use with great caution, and according to law; for, if they were to use it contrarily, it would be to make that House the supreme power, it would be to usurp the supreme authority.

Mr. CORT believed the only real question before them was, what sum they would appropriate for this object; he wished the mover would consent to leave the item blank.

Mr. W. SMITH had no objection to its being left blank.

Mr. VENABLE said, if this was a mere question of expense, it was very extraordinary that it should have called forth such a philippic from the gentleman from Massachusetts, [Mr. AMES,] who had charged the House with arrogating to itself all the powers of Government; as being omnipotent. Upon what ground could he found such charges? If it were a question of expense merely, there could certainly be no ground for such charges; but if it were to be considered as a question of power, if they were to be told they dared not to withhold the appropriation in question, here he would entrench himself as a Representative of the people; he had a right, as a member of that House, to vote against the expense which he thought improper, and he would exercise that right. Every branch of Government had the same right, and he wished them to exercise it. And he would not be told, when he was about to exercise this right, that he was arrogating to himself all the powers of Government. He was determined to exercise his discretion on every question which came before him for decision, and he would vote against this expense.

Mr. NICHOLAS said, the gentleman from Massachusetts [Mr. AMES] seldom spoke without casting some denunciation against that House. He had, however, allowed that the PRESIDENT had done, with respect to this fleet, all that any gentleman had charged him with doing; he had even put the case stronger than any other person had put it; for he had said that the Executive had determined to build the vessels of a larger size than had been contemplated by the Legislature, in order to be an overmatch for any other frigate. All this, said Mr. N., may be right, and the approbation he gave this conduct, was a proof the gentleman thought so; all he had to say was, that it was not legal; it might be patriotic, and be done with an intention to serve the country; the PRESIDENT might understand the interests of the country better than they; but it was a conduct which would not meet with the same approbation from him that it met with from the gentleman

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from Massachusetts. That gentleman had also said, that a law imposed a duty upon the House to find the means for carrying it into effect. Were they not, then, to be called upon for money to man the frigates? He asked those gentlemen whether the PRESIDENT had not a right to man the frigates, and if so, whether they should not be obliged to find the money?

The powers of this House to control appropriations, had, however, already been settled. It was, indeed, an absurdity to call a body a Legislature, and at the same time deny them a control over the public purse; if this were not so, where would be the use of going through the forms of that House with a money bill? The Executive might as well draw upon the Treasury at once for whatever sums he might stand in need of. A doctrine like this would be scouted even in despotic countries.

And what was all this power that so much alarmed the gentleman from Massachusetts? It was merely a negative power to refuse to do what they thought it would be mischievous to do. Mr. N. said there was a very fashionable doctrine of throwing all power into the hands of the Executive. If there were to be extremes, however, he believed an excess of power would at least be as safe in their hands as in those of the Executive; and if this were his opinion, and the ground upon which he acted, the gentleman from Massachusetts never failed to take an opposite direction. He never thought any Executive power too great.

Mr. PARKER remarked, that it had been said the frigates would carry 62 guns; it might have been possible to have made them so, but they were no more than a large sized 44-gun frigate. They might be a little larger than any other of that number of guns, but not so much. It was true they were not at first contemplated to be so large, but strong reasons were offered for making them of the present size; the expense was not increased by the increase of size, in proportion to their usefulness. He therefore himself approved of what the PRESIDENT had done; and, if he had had the management of the business, he should have done the same. It had been doubted whether the sum proposed to be granted would not only finish, but equip and man the vessels. If the gentleman who had these doubts would refer to the report which had been made on the subject, he would find that \$220,000 would be required for that purpose; the \$172,000 proposed would barely make them ready for sea in other respects.

The gentleman from Pennsylvania, [Mr. GALATIN,] who was generally very correct in his statements, had supposed that if the frigates were finished, the PRESIDENT might go on to man them without consulting the Legislature upon the occasion; and, to show the possibility of doing this, he had alluded to his having built a frigate for the Algerines without the approbation of Congress. He lamented the situation in which we stood with that country, but he believed the building of the frigate was necessary. The Western insurrection, and the law-suits in London had

also been named, which he should not stop to notice.

In answer to the gentleman from Pennsylvania, he would say, that if the PRESIDENT could man the vessels and send them to sea independent of Congress, he might also finish them without their aid; but he did not believe he would place himself in the same situation with respect to them as if he had to do with a foreign nation. In relation to foreign nations, he had great power; but, if he went beyond his power with respect to internal regulations, he would be liable to impeachment, and he would be one of the first to promote an impeachment, were such to be his conduct.

Mr. AMES said, he understood the gentleman from Virginia [Mr. NICHOLAS] to say, that the conduct of the Executive was illegal; but certainly if a frigate was estimated to cost \$12,000 and it cost \$15,000, the expenditure of the additional \$3,000 was not illegal.

Mr. NICHOLAS said, he had made use of the gentleman's own words with respect to the change in the plan of building the frigates, which he had called illegal.

Mr. AMES said, as to the size of the vessels, that was Executive business. The gentleman from Virginia [Mr. VENABLE] seemed to take the observation which he had made with a degree of sensibility perfectly natural, because it went to touch the power which he had claimed as a member of that House. The gentleman said, "Here I entrench myself behind my privileges." Nothing was said about the public good; all was self.

And was it to be considered, he asked, that they enjoyed the powers committed to them in their own right, as barons of empire, as sovereign despots? Or was the power placed in them to be exercised like other duties, according to justice and propriety? He believed no one would deny that the latter was the truth.

How did the matter stand? They had attempted to repeal a law, but another branch of the Legislature had refused to accede to the repeal; of course it could not be effected. Were they then to act as if the law had been repealed? Yes, say gentlemen, we will refuse to appropriate the money since we think the thing unnecessary. He hoped, however, the day would soon come (as melancholy would be the period until it did arrive) when this power of refusing an appropriation to carry an existing law into effect, should no longer be countenanced by a majority of that House.

Mr. VENABLE was of opinion, that if the gentleman from Massachusetts had only the public good in view, which he had spoken of, he could have had no inducement to have gone into the arguments which he had introduced on this occasion. He could assure that gentleman that he felt himself as strongly bound to consider the public good in all his conduct as he could be. He believed no instance could be named in which he had not consulted that interest. As to what was, or was not, calculated for the public good, he must be left at liberty to judge for himself. But the gentleman had not put the business on this ground,

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but because gentlemen differed in opinion from others, they were charged with assuming absolute authority, with principles of despotism, overturning the Government, &c.

Mr. V. said, it was his opinion, that in all laws which came before that House, every member had a full right to say yea or nay, for which they were not accountable to that gentleman, or to any other. The other branches of Government had also the same power. Indeed, the other House had exercised this right in negating the repeal of the law relative to the manning of these vessels. He trusted both Houses would always continue to assert their right thus to use their discretion and privilege.

Mr. AMES said, he had not charged that House with usurping power, or breaking down the other branches of Government; nor did he say they had not a discretion; but that their discretion ought to be regulated by duty.

Mr. SWANWICK said, amidst all the foreign objections which had been urged against this appropriation, he wished the act passed last session to be referred to. [Mr. S. read an extract from it.] Here, in April last, said he, it is provided that the frigates shall be finished, and yet now gentlemen wished the House to come to a conclusion only to half finish them. What, he asked, would the world think of such a versatility of conduct?

Mr. KITCHELL thought, if they meant to get through the business which lay before them, it was time they disposed of this question. He thought the debate upon it had been sufficiently long.

Mr. BRENT said, when this subject first came before the Committee, he had determined to give the sum necessary to complete them; nor had he ever wavered on the subject, until he heard the ground which had been taken by the gentleman from Massachusetts [Mr. AMES.] He did most feelingly participate in the sentiments expressed by his colleague [Mr. VENABLE] on the occasion. It was really difficult to know what was the amount of his doctrines. In the first instance, he understood the gentleman to rise for two purposes, viz: to justify the Executive from certain charges which had been brought against him, and to show the obligation which the House lay under to grant the money.

In the first place, the gentleman said the Executive had been charged with violating the law; and, when he went into the subject, he understood him to say, as his colleague understood him, that the Executive had changed the plan; he understood him to say, that though Congress had ordered 44-gun frigates, he had ordered 74's, which remark he concluded by expressing his approbation of the PRESIDENT's conduct. If he admitted that the Executive had violated the law, and yet felicitated him upon having done so, he might enjoy his pleasure, he would not participate with him.

With respect to the second part of his observations, as to the absolute necessity under which every member lay to vote for the sum required for finishing the frigates, because the building of

them was directed by law, this was a most important point. He thought this involved one of the most valuable principles which that House possessed, and which should never be lost sight of viz: the right of every member to exercise his discretion upon every question, appropriations as well as others, which came before him. Did not the gentleman know that the most solemn decision had taken place last session on this subject, by a large majority? Indeed, said he, this sentiment was so engrafted in the Constitution that the House could not divest themselves of it; for the gentleman to say they did not possess it, was to make a dead letter of their privileges. There could be no doubt on the subject; and it was a sacred and essential principle which would go further to preserve our liberties than any other which they possessed. He trusted, therefore, they should guard it with special care.

Mr. GALLATIN said, he did not mean to follow the gentleman from Massachusetts in what he had said on this subject, because he had not felt the force of what he had advanced, nor very well understood what he meant. Both his meaning and his motive for bringing this subject before them to-day were to him mysterious. He had brought before them the Treaty question anew, and it would be recollected what were the feelings of the House on that occasion; but he could see no relation which it bore to the present question; and though a number of members in that House had asserted that they were bound to appropriate money to carry a Treaty into effect, he did not believe they were ready to say the same with respect to laws.

The gentleman from Massachusetts had said, that if they put a meaning upon the Constitution in this respect different from him, that they arrogated the supreme power to themselves. Did not he know that the doctrine applied to the Senate as well as to that House? and did he not see that that would be a check upon the abuse of it in either House, since it was a weapon which both could use?

The gentleman had said they were bound to obey the law. Bound to obey what law? The law for authorizing the building of the three frigates? He did not understand how this law was to bind them. This was a mere administrative law, which did not extend to the citizens of the United States, but gave power to the PRESIDENT to do a certain act; therefore, as citizens, they had nothing to do with that law, except they were to obey it by appropriating the money necessary to carry it into effect. Yet the gentleman allowed there might be cases in which it would be right to use discretion in the appropriation of money. For his part, he did not understand the being bound and not bound at the same time; to have discretion and no discretion. He wished either that the one or the other opinion might be adopted; and that they might be told that they had, or that they had not, a right to exercise discretion in the appropriation of money. If this exercise were to be allowed in any case, why could it not be allowed in the present? He won-

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dered, therefore, that gentlemen in favor of this motion should have touched upon this ground. He agreed with the gentleman that they had this discretion, and that it ought to be used with caution, and not upon trifling occasions. But he conceived this to be one of those occasions in which it was necessary for those opposed to a Naval Establishment, to vote against this appropriation. He meant against the appropriation in its extent. It was because he considered a Naval Establishment as highly injurious to the interests of this country, he should vote against every measure which had a tendency to produce it. That gentleman, and others who thought differently, would vote accordingly.

Mr. G. moved an amendment, viz: that before the word "frigates," to add "the hulls of." On the question, ayes 45, noes 44—the Chairman giving his vote against the amendment, it was not carried. It was then put in the original form, to finish the frigates, the sum of — dollars, and carried—ayes 54.

The question on the blank being filled with \$172,000 was then put, and carried—ayes 47.

Mr. GALLATIN moved to add an item to pay the bounty of one hundred dollars which they had agreed should be paid to every officer discharged from the military service in consequence of the regulations which had taken place in the establishment.

This item was filled up with three thousand dollars.

Mr. GALLATIN moved to add the following words: "which several sums shall be solely applied to the objects for which they are respectively appropriated."

Mr. W. SMITH wished, as much as the gentleman from Pennsylvania, to confine the expenditure to the sums appropriated; but the provision for some objects might fall short, while others might have a surplus, which he thought ought to be made use of to supply deficiencies in cases of emergency. Ever since the establishment of the present Government, the whole appropriation for the Military Establishment had been considered as an aggregate fund out of which any of the objects of that establishment might be paid for; but the expense of each object was now to be confined to the specific appropriation. He was afraid, however well this might look in theory, it would be found very mischievous in practice. He wished the gentleman would amend his proposition by adding, "so far as may be consistent with public exigency;" this would restrict the expenditures, except in unforeseen cases of emergency, to provide for which some latitude of discretion ought to be left to the Executive.

Mr. SITGREAVES did not see the necessity or propriety of the amendment of his colleague, when the House had distributed the appropriations amongst the different objects; as the amendment, he conceived, meant nothing more than that the Department should not expend any more than the sum appropriated for the different items, which they had no right to do if there were no amendment. Heretofore, when appropriations were

made in a mass, the Secretary of War did not feel himself bound to govern himself by the estimate which he had given in, but by particularizing the different items, the former evil was corrected.

Mr. GALLATIN said, if the fact was exactly as it had been stated by his colleague, his amendment might be unnecessary, but the Treasury Department had not acted upon the principle which he had stated. They had, notwithstanding the distribution of the appropriation, thought themselves at liberty to take the money from an item where there was a surplus and apply it to another where it was wanted. And when this was objected to, as taking from the Legislature their appropriating power, they answered that the Legislature had entered so much into detail that they could not attend to their directions. They had, last session, made the appropriations more specific than at present, yet the Secretary of the Treasury, in a letter written to the House during this session, said, "that it was well known to have been a rule since the establishment of the Government, that the appropriations for the Military Establishment were considered as general grants of money, liable to be issued to any of the objects included under that Department." Therefore, unless this amendment was introduced, it would leave the power as before. In order to make the business more easy, all the contingent expenses were appropriated in one sum.

The object of this amendment, said Mr. G., was that no part of the pay of the Army should go to the Quartermaster's department, &c., and that none of them should go to the building or equipping the frigates; but if this were not the case, money might be found to get the frigates to sea. from the appropriations for the Military Department, if the PRESIDENT should think it necessary, so to apply it. As to the amendment, it would do away the intention of it altogether.

Mr. HARPER was against the amendment. He thought the Department ought to be at liberty, in case of an appropriation proving deficient, to have recourse to other funds where there might be a surplus, and as none would be taken, except where there was a surplus, he could see no objection to this being allowed. Indeed, for want of such a privilege very serious inconveniences might arise to the service, in case of accident or unforeseen events.

Mr. GALLATIN said, the law did not operate in the manner which the gentleman last up supposed. They had lately voted a sum of forty thousand dollars to make good a deficiency of last year, which had been used for some other purpose, in consequence the deficiency fell upon the pay of the Army, although that could not increase, because the number of men was never increased; it might be less, as the nominal, not the actual number of men was appropriated for.

Mr. KITTEK thought the amendment a bad one. Suppose, said he, a boat should be overset with tents in the lake, or a magazine blown up, the losses could not be repaired, because, though there might be surplus sums in the Treasury from

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other items in the establishment, yet, if this amendment prevailed, they could not be touched. He thought this would be the effect; he was against innovations.

The amendment was put and carried, there being fifty-four votes in favor of it.

The Committee then rose, and the House took up the amendments; when

Mr. DEARBORN renewed the motion to place "hulls of the" before frigates; when, after a few observations from Mr. PAGE against the manner in which the business of building the frigates had been conducted, particularly with respect to their being built of so much larger a size than ordered, the question was taken by yeas and nays, and negatived, 47 to 45, as follow:

YEAS.—Theodorus Bailey, Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Nathan Bryan, Samuel J. Cabell, Gabriel Christie, Thomas Claiborne, John Clopton, Isaac Coles, Henry Dearborn, William Findley, Jesse Franklin, Nathaniel Freeman, jun., Albert Gallatin, James Gillespie, Christopher Greenup, Andrew Gregg, Wade Hampton, Carter B. Harrison, John Hathorn, Jonathan N. Havens, James Holland, Andrew Jackson, George Jackson, Matthew Locke, William Lyman, Samuel Maclay, Nathaniel Macon, James Madison, John Milledge, Andrew Moore, Anthony New, John Nicholas, Alexander D. Orr, John Page, John Patton, John Richards, John S. Sherburne, Israel Smith, Richard Sprigg, jun., William Strudwick, Joseph B. Varnum, and Abraham Venable.

NAYS.—Fisher Ames, Theophilus Bradbury, Daniel Buck, Dempsey Burges, Joshua Coit, William Cooper, William Craik, Samuel W. Dana, James Davenport, George Dent, George Ege, Abiel Foster, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glen, Chauncey Goodrich, Roger Griswold, William B. Grove, Robert Goodloe Harper, Thomas Hartley, John Heath, William Hindman, John Wilkes Kittera, Edward Livingston, Samuel Lyman, Francis Malbone, Frederick A. Muhlenberg, William Vans Murray, Josiah Parker, Elisha R. Potter, John Reed, Samuel Sewall, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, Isaac Smith, William Smith, John Swanwick, Zephaniah Swift, George Thatcher, Richard Thomas, Mark Thompson, John E. Van Allen, Philip Van Cortlandt, Peleg Wadsworth, and John Williams.

And then the main question, "to finish the frigates — dollars," was taken by yeas and nays, as follow:

YEAS.—Fisher Ames, Abraham Baldwin, Theophilus Bradbury, Richard Brent, Daniel Buck, Dempsey Burges, Joshua Coit, William Cooper, William Craik, Samuel W. Dana, James Davenport, Henry Dearborn, George Dent, George Ege, William Findley, Abiel Foster, Dwight Foster, Nathaniel Freeman, jr., Ezekiel Gilbert, Nicholas Gilman, Henry Glen, Chauncey Goodrich, Roger Griswold, William B. Grove, Robert Goodloe Harper, Carter B. Harrison, Thomas Hartley, John Heath, William Hindman, John Wilkes Kittera, Edward Livingston, Samuel Lyman, Francis Malbone, John Milledge, Frederick A. Muhlenberg, William Vans Murray, John Nicholas, Alexander D. Orr, Josiah Parker, Elisha R. Potter, John Reed, Samuel Sewall, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, Isaac Smith, William Smith, Thomas Sprigg, John Swanwick, Zephaniah Swift,

George Thatcher, Richard Thomas, Mark Thompson, John A. Van Allen, Philip Van Cortlandt, Joseph B. Varnum, Peleg Wadsworth, and John Williams.

NAYS.—Theodorus Bailey, David Bard, Thomas Blount, Nathan Bryan, Samuel J. Cabell, Gabriel Christie, Thomas Claiborne, John Clopton, Isaac Coles, Jesse Franklin, Albert Gallatin, James Gillespie, Christopher Greenup, Andrew Gregg, Wade Hampton, John Hathorn, Jonathan N. Havens, James Holland, Andrew Jackson, George Jackson, Matthew Locke, William Lyman, Samuel Maclay, Nathaniel Macon, Andrew Moore, Anthony New, John Patton, John Richards, Israel Smith, Richard Sprigg, jr., William Strudwick, and Abraham Venable.

The question to fill the blank with \$178,000 was then put and carried—yeas 47, noes 42, and the bill ordered for a third reading to-morrow.

DUTY ON DISTILLED SPIRITS.

The House took up the amendments of the Senate to the bill for making regulations respecting the duty on distilled spirits, one of which they insisted upon, viz: that providing that no licenses be issued for less than one month. The House adhered to their disagreement to this amendment.

POST OFFICE BILL.

The amendments of the Senate to the Post Office bill were taken up, and the House receded from their former disagreement to them. One of them, viz: for introducing the words requiring "newspapers to be sufficiently dried," was opposed by Mr. GALLATIN and Mr. MACON, as a very oppressive regulation to printers of newspapers, as giving postmasters power to put them to great inconvenience, and as a certain way of increasing the price of newspapers sent into the country. As it involved a principle of consequence, Mr. G. called the yeas and nays upon the question, which were, yeas 39, nays 31.

Mr. MACON said, since the question had been thus carried, he would move to put off the further consideration of the bill till the first Monday in December, as he believed that clause would do more harm than the bill would do good. The motion was negatived.

FRIDAY, March 3.

SUNDRY BILLS.

The bill making appropriations for the Military and Naval Establishments was read the third time, and passed.

A resolution was agreed upon for distributing the five hundred copies of the laws ordered to be printed at the last session.

The act for fixing the Military Establishment was received from the Senate with an amendment, proposing a Quartermaster General and a Paymaster General to be inserted; which was agreed to, 35 to 32.

The House went into a Committee of the Whole on the bill respecting the Courts of the United States, which having been agreed to, was ordered to be read a third time: it was afterwards read a third time, and passed.

The same course was taken with the bill for

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the relief of John Browne, and also with that for authorizing the adjustment and payment of the claims of John Robertson and John G. Smith formerly captives in Algiers; and both were passed.

On motion of Mr. HARPER, the resolution calling upon the Secretary of the Treasury for certain statements of duties and drawbacks to be laid before the House every session, was agreed to.

A bill from the Senate for altering the time of the next meeting of Congress to the first Monday in November, instead of the first Monday in December, was then taken up. After some objections had been urged against, and some observations in favor of the change, the bill finally passed, 46 to 29.

PRE-EMPTION RIGHTS, &c.

A bill from the Senate to authorize the sale of the land between the Great and Little Miami rivers, and to give a pre-emption right to certain purchasers, was read; when

Mr. SITGREAVES moved to postpone the consideration of this bill till the first Monday in December next. He did not think it was right of the Senate send down to them a bill of this kind on the last day of the session. He did not himself understand the matter, nor was there sufficient time to go into an inquiry on the subject.

Mr. GALLATIN and Mr. NICHOLAS also spoke against taking up this subject. They observed that the public would perceive that the Senate wished to confine the contract of Mr. Symmes within narrower bounds than that House wished, and therefore no persons could be deceived in this respect in their future purchases of Mr. Symmes.

A bill was also received from the Senate to enable the officers and soldiers of the Virginia line on the Continental Establishment to obtain titles to certain lands Northwest of the river Ohio, between the rivers Sciota and Miami; which, on motion of Mr. COIT, was also postponed till the first Monday in December.

CALL FOR STATEMENTS.

Mr. GALLATIN said, he wished to propose to the House three resolutions, calling for statements relative to the War Department, which he wished to be laid before the House at the next session. They had heard it said upon that floor, by gentlemen who were considered to be well acquainted with the subject, that many expenses had taken place in that Department which ought to have been checked. Conceiving a check of this kind to be necessary, and knowing the expense of the military department was increasing from year to year, beyond what the increase in the number of troops would warrant, it was proper to lay the foundation of an inquiry into the subject. Indeed, having just passed a pretty severe law relative to the Receivers of Public Money, and understanding that the Secretary of the Treasury had a long list of delinquents, he was desirous of taking some steps in the business. From these considerations, he offered the following resolutions for acceptance:

"Resolved, That the Secretary of the Treasury be directed to lay before the House of Representatives, within the first week of January next, abstracts of the accounts of all paymasters, quartermasters, contractors, agents for the purchase of supplies, and generally of all the Receivers of Public Moneys, paid from the Treasury from the 1st of January, 1791, to the 1st of January, 1797, on account of the Military Establishment, so as to exhibit a detailed statement of the whole amount of moneys thus expended to that period; and whether any of the accounts be not finally settled; and shall lay before the House an estimate of moneys not accounted for.

"Resolved, That the Secretary of the Treasury be directed to lay, at the same time, before the House of Representatives similar abstracts of the accounts of all the Receivers of Public Money expended for the building of the frigates.

"Resolved, That it shall be the duty of the Secretary of the Treasury to lay before the House of Representatives, within the last week of January in each year, a statement of money expended for the Military Establishment during the next preceding year, distinguishing the sums expended under each head, for which specific appropriations have been made, and an estimate of the probable unsettled demands in relation to each of those heads."

The resolutions were severally agreed to.

ACCOUNTS OF EDMUND RANDOLPH.

Mr. WILLIAMS called for the resolution which he laid on the table some days ago. On examining the Report of the Secretary of the Treasury relative to the application and expenditure of the moneys appropriated for expenses attending the intercourse between the United States and foreign nations, he said, he found large sums of money had been paid on the warrants of the late Secretary of State, whose accounts remained unsettled; and that neither the accounts of foreign Ministers, bankers, or agents of the United States, nor the records of the Department of State, contained any explanation in respect to a considerable part of this money; that they had appropriated large sums of money from time to time, and it was necessary that a full investigation of that matter should be had. There was in the Report eighteen thousand dollars, paid on a warrant to Mr. Randolph for the expenses of a special Envoy to Madrid, though he believed the Envoy was not three months on that mission. In order, therefore, to come to a more full knowledge of this subject, he hoped the resolution would be agreed to. It was in the following words:

"Whereas it is stated to this House, in a Report of the Secretary of the Treasury of the 15th instant, that the accounts of moneys advanced to Edmund Randolph, Esq., late Secretary of State, for the expenses of foreign intercourse, still remain unsettled, and that neither the accounts of the foreign Ministers, bankers, or agents of the United States, nor the records of the Department of State, contain any explanation in respect to a considerable sum of the said moneys:

"Resolved, That the Secretary of the Treasury lay before the House of Representatives information of the amount of the sums so received by the said Edmund Randolph, Esq., for which there is no explanation, as

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aforesaid, and what measures have been taken to obtain a settlement of the said accounts."

Mr. GALLATIN had no objection to the inquiry, but he did not think the way proposed was the proper way of making it. If the gentleman had attended to the statement on the subject, he would have seen that the Secretary of the Treasury was not the person to be applied to. The statement alluded to by the gentleman from New York was not satisfactory; but the law with respect to foreign intercourse gave the PRESIDENT power to draw money from the Treasury without stating anything more than that it was wanted for foreign intercourse; [Mr. G. read an extract from the law on the subject,] therefore they only knew the PRESIDENT OF THE UNITED STATES. He was the only officer authorized to draw money from the Treasury for this purpose, in doing which he might specify the purpose for which it was wanted, or he might issue a certificate, or cause the Secretary of State to do so, under the general head of foreign intercourse, and it was sufficient authority for the payment of the money. From the statement which they had received, it was evident that the Secretary of the Treasury must have received information from the PRESIDENT OF THE UNITED STATES beyond what he had received by means of the certificates calling for the money, because he informed them that the sums of money received by Edmund Randolph were not accounted for, which information he could have had only from the PRESIDENT himself, who must have informed him that he entrusted him as his agent in the business, and that he had not duly accounted for the money which he received. He supposed the PRESIDENT would direct the Secretary of the Treasury to take measures to get a settlement with Mr. Randolph; but, in a legal point of view, they could not apply to the Secretary of the Treasury, as, *ex officio*, he knew nothing of the matter. He moved, therefore, that instead of the Secretary of the Treasury, "the PRESIDENT OF THE UNITED STATES should be requested, if he shall think it advisable," &c. He wished information on the subject, as, from the report of the Secretary of the Treasury, there seemed to lie a strong suspicion against Mr. Randolph in the business; but, as they knew no other person than the PRESIDENT OF THE UNITED STATES in the transaction, he wished him to be called upon, and not the Secretary of the Treasury.

Mr. WILLIAMS said it mattered not to him who was called upon, so that he had the information; but he thought the Secretary of the Treasury was the proper person to be applied to.

Mr. W. SMITH thought it best for the resolution to pass in its present shape. All these accounts were settled at the Treasury Department; that Department had sent them some information, but it did not go far enough. It did not descend sufficiently into particulars; it was proper, therefore, to apply to the same Department for other and further information. Certain large sums were stated to have been drawn out of the Treasury by warrants in favor of Mr. Randolph, but

no account had been given by him of the expenditure of the said money. The course of this transaction was this: When the Secretary of State applied for money at the Treasury, he stated a certain sum to be wanted for foreign intercourse, or whatever the expenditure might be; this might go on from time to time, until the whole sum appropriated was expended. Afterwards it was the practice of the Secretary of State to make out a detailed statement of the expenditure; to exhibit his vouchers and balance the account according to law; and, if any balance remained in hand, to pay it into the Treasury, or retain it in hand for further service. But, with respect to Mr. Randolph, it appeared that one hundred and fifty thousand or one hundred and sixty thousand dollars had been received by him on warrants, of which no detailed account of the expenditure had yet been settled at the Treasury; and although, before his resignation, in August, 1795, he informed the Executive that he should settle his accounts before he left Philadelphia, yet they were now informed from the Treasury that they had received no account of the application of a considerable part of this money. Under these circumstances, it would be idle to apply to the PRESIDENT, for he could only refer them to the Treasury Department.

The motion of the gentleman from New York seemed to have two objects in view, viz: to obtain information as to the amount, for which no account had been rendered, and also to know what measures had been adopted to force a settlement. They found, from the report, the business stated in this vague manner: Issued to Mr. Randolph, on a warrant dated February 7, \$10,000; on another, dated February 13, \$10,000; on another, dated April 10, \$10,000 more. In May, 1794, there were also \$18,000 issued to him on account of Mr. Jay's negotiation, &c., but there was nothing to show, on the part of Mr. Randolph, as to the application of all this money, as far as appeared from the records of the Treasury.

As no vouchers had been received from Mr. Randolph of the expenditure of all these several sums, to enable the Treasury Department to make a final adjustment of his accounts, it was necessary, therefore, to call upon the Secretary of the Treasury to know the amount of the deficiency, and what means had been taken to obtain a settlement.

Mr. S. concluded by observing that, without intending to pre-judge the ultimate issue of this business, he would, however, incidentally remark that this information would be very useful to the next House, which might, on a view of it, determine on the propriety or impropriety of an impeachment; for as judgment, on cases of impeachment, involved a disqualification to hold and enjoy any office of honor, trust, or profit, under the United States, he considered an impeachment to be against an officer of the United States as well after as before a resignation or dismissal from office.

Mr. GALLATIN said, the gentleman from South Carolina had not paid the least attention to what

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he had said on the subject. If he had read the law, he would have seen that the PRESIDENT OF THE UNITED STATES was authorized to specify the purposes for which money was drawn from the Treasury for foreign intercourse, or not, as he pleased. The law being so expressed, it appeared to him that the Secretary of the Treasury had nothing to do in the business. The PRESIDENT had directed certificates to be drawn out in general terms, which had been paid by the Secretary of the Treasury. After he had done this, he had no further concern in the business: the matter lay between the PRESIDENT and the Secretary of State, and he thought they could only properly apply to the PRESIDENT for information on the subject. If they applied to the Secretary of the Treasury for information, what they could get from thence would only be of a partial kind, since he could not know much about the business. If, indeed, gentlemen were apprised that other information could be had from thence, more than had been received, he knew of none such, nor did the House know of any. Whatever knowledge that department had of the transaction must have been gained from other sources; they could not have it in their official capacity; but, by an application to the PRESIDENT the House would not only learn what was known at the Treasury, but what he knew also upon the business, which would certainly be most satisfactory.

Mr. HARPER was doubtful whether the measure was proper at all: if it were, he thought the motion should be agreed to as moved originally. The gentleman from Pennsylvania seemed to think the object of this resolution was to know in what manner this money had been expended. He took it that this was not the object of the resolution. They all knew what the PRESIDENT OF THE UNITED STATES had done; they knew he had not only employed Mr. Randolph to obtain the money from the Treasury, but also as his agent in the expenditure of it. What further did they wish to know from the PRESIDENT? They knew his agent had not rendered an account of the manner in which this money had been expended. They should probably be told that considerable sums had not been accounted for. He would tell them he had directed his agent to do so and so, and account with the Treasury Department. This they knew already as well as the PRESIDENT OF THE UNITED STATES. What was it, then, they wanted to know? They wanted to know the amount of the deficiency, and he thought they might very well trust the Executive and the Secretary of the Treasury to settle the business. He believed it was not necessary to make the matter more public than it was. They were told steps had been taken; and he supposed they all knew what these steps were; and when the result was known they should doubtless be informed of it.

The amendment was put and negatived, 32 to 26.

Mr. W. SMITH wished to make a few observations in reply to his colleague, who seemed to think there was no need for the proposed application. He was decidedly of opinion that an officer was as liable to impeachment for misconduct after he

had resigned his office, as whilst he held it, as an impeachment went to disqualify a person for ever after from holding any office under the Government of the United States. If it should appear, therefore, that any person who had retired from office, had misapplied any part of the public money, it was the duty of that House to institute an impeachment against him, and if such impeachment should be successful before the Senate, he would be accordingly forever disqualified from holding any office under the United States. There was, therefore, a strict propriety in that House, whenever there was information before them of a misapplication of public money, prosecuting an inquiry into the matter, not only as to the amount of the deficiency, but as to the nature of the steps which may have been taken on the subject. He, therefore, thought the present inquiry was a very proper one.

Mr. WILLIAMS again urged the propriety of his motion, and the question was put and carried, without a division.

EVENING SESSION.

MILITARY AND NAVAL APPROPRIATIONS.

The bill appropriating money for the Military and Naval Establishments, was received from the Senate with an amendment, proposing to do away the restriction which had been introduced into the bill to confine the expenditure of money to the specific objects for which each sum is appropriated.

Mr. DANA hoped the House would recede from the amendment.

Mr. GALLATIN said that, by the Constitution, no money was to be granted but by a law passed in the regular mode. Now, said Mr. G., this is not by law; if, after a certain sum is granted for one item, it be not used for that purpose, but put to some other object. This was certainly according to the spirit of the Constitution, and if you do not strictly abide by that, you may as well set aside the Constitution, and say we will appropriate \$6,000,000 for the support of Government for the present year. If we mean to carry the Constitution into effect we must reject the amendment.

Mr. SITGREAVES observed, that his opinion on this point was, that the House had a Constitutional power to depart from any identifying of articles to sums granted, and that departure grew out of necessity; for the extreme embarrassment which would attend the practice of a strict adherence, would render it impracticable. But, as he did not mean to stand responsible for the motion, he should be satisfied with calling for the yeas and nays; which were agreed to be taken.

Mr. NICHOLAS thought, that when gentlemen went on supporting such unlimited measures as had lately taken place, and voting such a waste of money, it would be very dangerous. When we see large sums voted for an army and navy in time of peace, said he, it would justify us in adopting some regulation to prevent it. The difference between the operation of this and the other mode is, that in this you confine your public officers to the identical object for which a sum is ap-

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propriated; otherwise they might use what they would call overplus money for any object they might think fit. According to this method, proposed by the Senate, any sum may be taken from any certain object, and placed to any other, which Mr. N. thought too unbounded a power to be placed in the Executive.

Mr. PARKER said, he would not pretend to justify the expenditure on the Military Establishment, but he could not help observing that the casualties to which the forage and clothing, &c., which is transported to our garrisons, are exposed, are very great. Though at peace with the Indians, it is but a temporary one, and we cannot be sure they will not intercept our stores; besides other accidents to which it is exposed, all which make it necessary that the hands of the Executive should not be tied from using the surplusage of some, for the accidental and unforeseen deficiencies of others; without this the Army may be exposed to the most poignant distress, owing to a deficiency in the appropriation, while the Treasury has money in hand as surplus from other objects. Considering the great importance of an appropriation, he hoped gentlemen would not so incline to oppose the bill, especially, said he, when our existence will not, as a Legislative body, be more than four hours, and, in that time, it must pass other authorities before it can be put into effect; if it is lost the effects will be bad. Mr. P. said he had as many scruples as any gentleman, and would take every measure to preserve the Constitution inviolate, but he should be sorry if, under the fear of offending it, the Government should be stopped.

Mr. HEATH.—If my existence was to be but for one moment, I would stand here and oppose this resolution; to let it pass, is precluding the freedom of inquiry into the conduct of our public officers. If we were to commence this loose kind of a way of appropriating, we may go on to do this, that, and the other, until we were too far to stop. Were we to indulge ourselves to go into the wide fields of accident, we might suppose this and that, but our imaginations would have no end. He lamented the shortness of the time they had to discuss it.

Mr. GILBERT acknowledged this was the age of reason, but he was sorry the House should be inclined to adopt an entire new doctrine of privileges. We should not hazard a new position, when it may be attended with the greatest danger; therefore he hoped they would agree with the Senate.

Mr. HARPER thought it would not be very difficult to convince gentlemen who oppose it, that the amendment was calculated to secure the very object they wished. It was not a violation of the Constitution, as some gentlemen supposed. He would ask, could not an appropriation be made for the use of the Military Establishment in general terms? Yes, he would answer; else how could an appropriation in general terms have been made for the intercourse with foreign nations? Certainly it could not be unconstitutional to appropriate the overplus of one article to sup-

ply the deficiency of another. One moment's reflection, Mr. H. thought, would convince members of the error of a contrary opinion. It might not be safe to do it without law, but here is a law allowing it. The whole must suffer if the War Department is deficient, which cannot be avoided if one is not to assist another branch, for it is scarce possible to guard against every contingency. He thought the amendment beneficial in the highest degree, and without it, would stop the War Department in its operations. He hoped no delay would take place, as it endangered the bill.

Mr. VARNUM said, that notwithstanding all that gentlemen might produce to prove the necessity of giving the Executive large powers, yet it was dangerous; he instanced that, if the Executive were determined to man and equip the frigates for sea, they would have power to do it from money appropriated, and intended for other purposes; thus it was transferring a power, solely vested in the Legislature, into the Executive Department. He thought it was an infringement on the Constitution; it was putting the power where it never was intended to be; although he had great respect for that department, yet he did not wish to see its powers extended too far. A gentleman had intimated he should not wish the bill to be altered, if he was sure there would not be war with the Indians. He would answer that there could not be a war until the Legislature met again.

Mr. V. said, that there was one-fifth more money appropriated than could be used before the next meeting of Congress, for there would be two months of the present year's appropriation, during any part of which another bill might be passed.

Mr. SWANWICK thought there was no danger of the bill being lost; it was necessary to discuss a principle which appeared to admit of danger; it was throwing the whole of the money to the mercy of the Treasury Department.

Mr. PAGE said he should vote for the amendment, but he rose to express his disapprobation of it, and he should have been glad if there was time to make another bill. We must either suffer the community to abide under great disadvantages, or ourselves. If they could exist, politically, he said he should be happy to destroy that bill. He must acknowledge that it was crammed down his throat.

Mr. LIVINGSTON said, that the reasons urged by the gentleman from Massachusetts, instead of the end he proposed, would have a contrary effect. Mr. L. believed that this amendment had a tendency to lessen the privileges of the House; believing this, no object of convenience, no view to the general opinion, should ever prevent him voting against it. He believed it pregnant with mischief. The Civil and Military Departments would be too easily connected; if the one wanted assistance, while the Treasury had money in hand it would be supplied. He thought the House had voted sufficient to answer every purpose intended, and he believed, whatever specious

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arguments may be used, the House would not recede. If any evil attended, he was willing to take his part of the blame; but he was not apprehensive of any.

Mr. W. LYMAN hoped it would not pass, as it was full of danger and bad principles.

Mr. W. SMITH said, the appropriation to the Military Establishment had always been considered a general grant of money; therefore it would introduce no new principles, but the manner of this bill, passed in this House the day before the close of the session, and sent up to the Senate the very day of the adjournment.

Mr. S. said gentleman talked about the Constitution, but he thought they had wrong ideas of the evils of this business: it was not whether they gave too much power to their officers, but the Military Establishment could not go on; then the PRESIDENT would be obliged to alarm the whole nation, and incur a vast expense to get the Congress together, and all for want of due time and regulations: and now we must cram it down the throats of the Senate. Surely gentlemen should have some moderation, and not be so heightened as to prevent any other branch of the Legislature from exercising their powers as well as us.

On the question being taken to concur with this amendment, the yeas and nays stood, 36 to 52, as follow:

YEAS.—Theophilus Bradbury, Daniel Buck, Dempsey Burges, Joshua Coit, Wm. Cooper, William Craik, Samuel W. Dana, James Davenport, George Dent, George Ege, Abiel Foster, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Chauncey Goodrich, Roger Griswold, Robert Goodloe Harper, Thomas Hartley, William Hindman, John Wilkes Kittera, George Leonard, Samuel Lyman, Francis Malbone, John Page, Josiah Parker, Samuel Sewall, Samuel Sitgreaves, Nathaniel Smith, Isaac Smith, William Smith, Zephaniah Swift, George Thatcher, Richard Thomas, John E. Van Allen, Peleg Wadsworth, and John Williams.

NAYS.—Theodorus Bailey, Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Nathan Bryan, Samuel J. Cabell, Gabriel Christie, Thomas Claiborne, John Clopton, Isaac Coles, Henry Dearborn, William Findley, Jesse Franklin, Nathaniel Freeman, jr., Albert Gallatin, James Gillespie, Christopher Greenup, Andrew Gregg, Wade Hampton, John Hathorn, Jonathan N. Havens, John Heath, James Holland, Andrew Jackson, George Jackson, Edward Livingston, Matthew Locke, William Lyman, Samuel Maclay, Nathaniel Macon, James Madison, John Milledge, Andrew Moore, Frederick A. Muhlenberg, Anthony New, John Nicholas, Alexander D. Orr, John Patten, Elisha R. Potter, John Reed, John Richards, Robert Rutherford, John S. Sherburne, Thompson J. Skinner, Richard Sprigg, jr., Thomas Sprigg, William Strudwick, John Swanwick, Joseph B. Varnum, Abraham Venable, and Richard Winn.

The bill was again sent to the Senate, and was soon after returned with the amendment receded from.

GENERAL LAFAYETTE.

Mr. HARPER moved that a resolution, which he laid on the table yesterday, respecting Major

General Lafayette, should be taken up for consideration. The motion was seconded by Mr. W. SMITH. The resolution was in the following words:

"This House, strongly impressed with a just sense of the important and disinterested services rendered to their country during the late war by their fellow-citizen, Major General Lafayette, and deeply regretting the sufferings to which he is now subjected from a long and rigorous imprisonment, and which have equally excited their sympathy, and the ardent wish of their constituents for his deliverance, do resolve, that the President of the United States be informed, that this House will see with the highest satisfaction, any measures which he may deem expedient to adopt towards effecting the restoration of their said fellow-citizen to liberty."

The question was taken for the House to take it up, and lost—ayes 32, noes 52.

Mr. LIVINGSTON said he had some time been wishing to put forward something similar; he really hoped some negotiation would be carried on to effect his liberation. It would be honorable to this country to interpose in behalf of this man, who has a claim on American service. While suffering for us on his part, let gratitude, and every feeling that can affect the heart, be ours. Abandoned by his own country, and to increase his sufferings, precluded from almost every enjoyment of life, it would be honorable in us to interest ourselves in his behalf, appropriating some small sum which may enable the PRESIDENT to make some progress towards his release. Thus, while it is honorable to America, if it has no effect, it may afford some comfort to the unfortunate sufferer, to think he is not forgotten. He then proposed a resolution, not materially varying from that just offered by Mr. HARPER, hoping that the little variation would prevent it suffering a similar fate.

Mr. PARKER said, as it was a personal question, he hoped it would lie on the table.

Mr. CORR thought it a delicate question, and one which ought not to be agitated, and therefore moved the previous question.

Mr. HARTLEY spoke of Mr. PARKER's observing its personality. He answered that the man suffered much for this country, and therefore was entitled to regard. He acknowledged with Mr. CORR, that there was much delicacy in the business, and therefore hoped it would speedily be discussed; it ought not be postponed; the man is now suffering in a most distressing confinement. If any of the soldiers of 1789 were here with whom he was in council, there would not be a dissenting voice to using every exertion. He hoped the House would never forget such brilliant services.

Mr. SWANWICK said, there need not be a dissenting voice, but we ought to be cautious how we multiply our negotiations, as this could not be done without entering into a negotiation with the Emperor of Germany in the regular way. It is not want of respect that should prevent us, but are we provided to go into all the consequences attending a new negotiation? There is a deli-

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cacy in it, of which we ought to be careful. There is not the least doubt but the PRESIDENT has as much desire for his release as any gentleman, but he, no doubt, deliberated, and saw the danger of it. Mr. S. said he lamented our foreign negotiations *in toto*. There was no good derived from them, and he could not anticipate any from new ones.

Mr. NICHOLAS said, he felt as much disposition to take measures for his release as any man, but he thought the business undertaken too hastily. Suppose you give instructions to the PRESIDENT, and he does not think proper to act on it, so far from being a compliment to Lafayette, it would hurt his mind, should he hear it had been agitated.

Mr. CLAIBORNE saw no difficulty attending the resolution. He hoped the House would render this essential service to the unfortunate sufferer, if even in the last hour of the Congress.

Mr. CHRISTIE said, it was an improper time to take up the resolution, but as they had to sit there two or three hours longer and no business to do, this might as well occupy the attention of the House as not.

Mr. LIVINGSTON would be sorry to impose a burden upon the country, but he thought this a duty incumbent on them. He hoped gentlemen would openly come forward and avow their sentiments, and not shelter themselves under the previous question. Remember, he came here from the pompous ease of a foreign Court; he voluntarily served the cause of America, and bled for her; he, in a great measure, procured the interest which formed the alliance with France in our defence; besides spending a princely fortune in our cause, he asked nothing, nor would accept any compensation for his services: and now he is abandoned to the most dreadful situation possible; some of that compensation, justly due to his services, is refused him as a balm to his former woes by not attempting his release. This is the situation of the man for whom this House is asked only to express their desire for his comfort; this is the man who was met with pleasure in every part of the United States; all the people rejoiced to express their gratitude to him; he was accompanied with testimonials of admiration and thanks from the whole Continent: and now we should not say that we will feel with pleasure measures taken towards obtaining his liberty! We can pity him, and regret his situation, but refuse to lend him the least assistance to soothe his distress. We do not call upon the House to vent its infantine sorrow, to show its womanish pity. No. We call on it to express a will, predominant throughout the United States, in the behalf of this unfortunate man. But it is said that we should get the ill will of the nations who persecuted him. Unless they bid adieu to all the tender feelings of humanity, they never can take offence. It has been also supposed it would be ineffectual; he had no doubt but the Executive would take those measures which would be most effectual and least endangering to the nation; it could not make the situation of the sufferer worse, and if we succeed in procuring his liberty, it would give pleasure to

every heart who can sympathize with the distressed, or feel gratitude for high obligations: and if it does not have that happy effect, still we may feel consolation at having done our duty. If these measures were taken, it would illuminate the loathsome horrors of a dungeon the most dreadful; it would sweep away the reproach "that Republicans know no gratitude;" that we, who had his best exertions whilst in prosperity, do not forget him in adversity. Mr. L. said he really believed that if he had not known the principles of liberty here, and helped us in our struggle for it, he would have never existed in misery in the dungeon at Olmutz, and therefore the highest obligations were laid on the United States to exert herself in his behalf.

Mr. HEATH hoped, that, although the gentleman had labored to excite the pathetic, yet he would not charge the House with a want of Republicanism if the measure was not adopted. Mr. H. thought it extremely improper to be introduced in the House. He said the PRESIDENT knew the will of the United States on the subject, and therefore, if he saw proper, he could take it up. He hoped the gentleman would remember this was a complicated case; for, since he had left this country, he had become a citizen of another country. Mr. H. said he felt for his unfortunate situation: he had fought under his banner. We are not to be charged with a want of patriotism and feeling for this suffering hero, because we think it imprudent to interest and involve ourselves in his behalf, merely to indulge the flighty fancy of a few individuals. We might go, said he, and address the PRESIDENT to exert himself as far as he saw proper in his behalf, as a body of individuals, but not as a Legislature.

Mr. W. SMITH could see no kind of impropriety in the measure. It had been said it was a new subject, and, therefore, ought not to be taken up now; but it was not introduced yesterday! Did gentlemen want an age to express an opinion which every member feels—which the whole nation feels? The motion only went to express a wish that measures may be taken according to the judgment of the Executive: if he had a thought or wish to adopt measures, this would encourage him to carry them into effect. Europe might feel a pleasure that we interested ourselves in his behalf. Did he not embark his all for this country? It has been well said, said Mr. S., that if the motion had been made in 1779 or 1780, no previous question would then have been called—no opposition then made. Read the Journals of the National Representation for 1780 and 1783: there we find one member from each State was appointed to take leave of him in behalf of the whole. [Mr. S. here read the Journals of that time, which insert at length the proceeding, address, and answer, attending the transaction.] There, said he, they expressed their zeal for his future welfare, and gratitude for his favors, accompanying it with a letter to the French King, requesting him to bestow his favors upon him. From the frequent respectful mention made of his services on the Journals of the House, there appears to have been much attention paid to his services by Congress. Even the Parliament of Great Britain,

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he said, had discussed the question of his confinement; and should this House refuse, who are so much obliged by his services? Nothing that had been said, in opposition to it, could convince him but that we were called upon, by every tie of gratitude, to adopt the measure. The satisfaction of knowing that his services are not forgotten may render him more comfortable in his dungeon—may follow him into the deserts of Siberia, or wherever the cruel hand of oppression may send him.

Mr. MADISON did not think there was time to do all the business requisite to render due justice to the motion, and he hoped the House would do more than was intended by the motion. He believed the only regular mode would be to appoint a committee to bring in a bill. He therefore moved that the House go into Committee for that purpose.

Mr. SITGREAVES said, according to the motion there was no necessity for this mode, as it was of a nature not to require the aid of another branch of the Legislature, it was quite sufficient if the House passed the resolution. He was sorry to hear the previous question called for to get rid of the subject, but he hoped it would not prevail: he thought this motion required early attention. He said attention was due to LAFAYETTE; America was highly indebted to him. It is a debt of justice, and ought to be paid; and while this House delays to interpose in his behalf he must remain in confinement. Those gentlemen who thought the House ought to interpose should think this is the very time, if any good is intended to be done: he therefore hoped they would not delay.

Mr. HARPER said, if the subject was on the sending an Ambassador to negotiate for the liberation of this man, it might with more propriety be opposed. He was surprised that any gentleman in the House should be opposed to expressing a wish for measures to be taken which may prove effectual for that purpose. When he had no need of our caresses, the United States resounded with his name: he was then met with tokens of respect and congratulation wherever he went. But now, pining under the cruel hand of despotic vengeance in a loathsome dungeon, weighed down by chains, with a scanty allowance; when we view his present, contrasted with his past, situation—embarking from the magnificent splendor of a French Court, displeasing his Sovereign—embarking himself, and hazarding everything that was dear to him, in support of American liberty—is this the man, Mr. H. would ask, to whom America said, he should never cease to have her best wishes and endeavors for his good, when, in the most grievous captivity, we refuse to express a desire for a morsel of comfort to his depressed mind! What avail our toasts—our boasted recollections of him, and regret at his fate—if we take not every opportunity to alleviate that distress? But the worst of his misfortunes is not to be in a dungeon: he is now racked with a fear of being sent into the inhospitable deserts of Siberia, whence is no hope ever to expect his return into the civilized world; and, with this unwelcome intelligence, the American Legislature refuses to express a wish for his deliverance! Who knows but the power in whose custody he is may expect

America to interest herself in his favor? And by a pretext like this he might be liberated, or at least his fear of removal dissipated, and his present misery alleviated. Mr. H. said he was sure it would be highly gratifying to the citizens of America to hear of the measure; they had long expected it, and, if undertaken, he had the greatest hopes of its success in a measure. If it should but tend to soften his present distress, it would be a happiness; but if its effects should be to restore to liberty one to whom America is so much indebted, it would amply repay whatsoever trouble is taken towards its accomplishment.

Mr. W. LYMAN did not doubt of the services of the Marquis Lafayette; he was always the subject of adoration and the toast of this country. Besides, it has made him liberal grants for his services, and he thought there could be no proof that we were wanting in marks of esteem for him. With respect to the motion, Mr. L. asked, to whom was application to be made? Does any gentleman on this floor know who confined him, or by order of what Government? No Court are willing to avow it. Britain, France, and Prussia, disavow it, and he believed the Emperor also. Until that was clear, the measure would be improper. May not the agitation of such a question in the House awaken a jealousy in some of those Powers towards us which may militate to our injury, and injure the man whom the attempt is meant to serve? Gentlemen have depicted his sufferings in very lively colors, said Mr. L., and were it in my power, or were it consistently in the power of the House, I should be very happy to afford relief. Until some of the difficulties in its way were cleared, he said, he should be forced to put his negative to it. He thought gentlemen who saw the matter so necessary, and the way so clear, had reason to reproach themselves for letting it sleep so long, and for having introduced it at the last hour of the session of the Houses.

Mr. HARPER and Mr. LIVINGSTON said that nothing but the constant press of public business had prevented their motions sooner, and they thought there was even now time enough, as it only required the expression of a desire of the House for the object.

Mr. BUCK said the services and sufferings of the Marquis were indelibly written on the hearts of all the citizens of America, and he thought there was no need of that torrent of oratory which had been displayed to affect the feelings of the House. He thought it would prove its weakness to suffer its feelings to predominate. We ought to give a decision only by the force of judgment, after due deliberation; for *feeling* could not look forward to consequences. Were we implicitly to obey it, we should take many bad steps. Do we not know, said Mr. B., that he is among the persons proscribed by France? and, considering the very brittle situation of our peace with that country at present, we should be induced rather to strengthen than weaken our ties; for the motion goes to authorize the PRESIDENT to take *any* measures to support Lafayette. This being the situation, we know not where the measures may end, and it

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Thanks to the Speaker—Adjournment.

[MARCH, 1797.]

would be a serious thing to be plunged in a war with France on that account. He hoped the House would not precipitate the business, but give themselves time to examine the consequences. This, Mr. B. said, had induced him to oppose the motion. Though congenial to his feelings, he therefore should vote for the previous, and against the main question.

Mr. CLAIBORNE was against the previous question. He would hazard anything for the happiness of a man we owe so much to—who sees, said he, the unfortunate man with his lady and daughter, under all the miseries that despotism and tyranny can inflict, in a wretched dungeon, without even the comforts of life! Here he appealed to the feelings of the members in a very forcible manner, and, with the most bitter invective, ardently wished the destruction of his cruel oppressors. He observed on the uneasiness the members of the House were in if public business detained them half an hour after the usual time of their dinners, and applied the case to this unfortunate man in continual confinement, and after all with miserable fare.

Mr. C. asked where the word in the motion was that could give umbrage to France or Britain or any other Power? He should wish to avoid that with as much care as any member, but he saw no danger of this kind. Let us, said he, show the world that America has gratitude and pity to display. He concluded, after much nervous sympathy, with hoping that the spirit of patriotism and love of liberty which Lafayette displayed in America might pervade the whole world, and ultimately that ALL NATURE MAY BE FREE!

The previous question was then put, "Shall the main question be now put?" and negatived—ayes 25.

Mr. LIVINGSTON then brought forward a similar resolution, which caused very considerable debate, and was at length got rid of by the previous question. The principal objection to the adoption of this motion seemed to be the late period at which it was brought forward. All were agreed as to the merits and the misfortunes of the man, and had the motion been introduced at any other time than on the eve of the rising of the session, there could be little doubt it would have been agreed to by a very large majority.

STATEMENTS OF COMMERCE AND NAVIGATION.

The following resolution was submitted and agreed to:

Resolved, That the Secretary of the Treasury do lay before the House of Representatives, as early as may be after the commencement of the next session, a statement of the goods, wares, and mer-

chandise imported into the United States during the years one thousand seven hundred and ninety-five and one thousand seven hundred and ninety-six, and those parts of the year one thousand seven hundred and ninety-seven, the accounts respecting which can be obtained in due time; which statement shall distinguish the amount in quantity or value, or both, as the case may be, of the several articles paying a rate of duty ad valorem, divided and arranged under such heads as the said Secretary shall deem most conclusive to a clear and full view of the subject; and shall, moreover, distinguish from what countries the importations respectively were made, and whether in American or foreign vessels.

THANKS TO THE SPEAKER.

Mr. BLOUNT said he wished to offer a resolution to the House, which, as he was certain there could be no opposition to it, would occupy little of their time. He should wish the Clerk to read it, and take the sense of the House upon it. It was in the following words:

"Resolved, That the thanks of this House be presented to JONATHAN DAYTON, in testimony of their approbation of his conduct in discharging the arduous and important duties assigned him while in the Chair."

The Clerk accordingly put the resolution, and it was unanimously carried; when—

The SPEAKER thus addressed the House:

"GENTLEMEN: I feel myself deeply impressed with this fresh proof of your approbation of my conduct in the Chair. The confidence and support which you have in every instance afforded me, in the station assigned to me, have alone enabled me to discharge the important duty with satisfaction to myself, and with advantage to the public."

ADJOURNMENT OF THE SESSION.

A message was received from the Senate, informing the House that they had appointed a committee to join a committee of that House, to wait upon the PRESIDENT to inform him they had finished their business, and, except he had any further communications to make, they were ready to adjourn, without day.

The House then agreed to appoint a committee to join that of the Senate to wait upon the PRESIDENT, and Messrs. SITGREAVES, PARKER, and SHERBURNE, being named, they accordingly waited upon the PRESIDENT; and—

Mr. SITGREAVES reported that the PRESIDENT had no further communication to make, except "that he wished them a happy return to their families and friends."

The SPEAKER then adjourned the House *sine die*, at about eleven o'clock.

APPENDIX

TO THE HISTORY OF THE FOURTH CONGRESS,

COMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT.

TREATY WITH GREAT BRITAIN.

[Communicated to the Senate, June 8, 1795.]

UNITED STATES, June 8, 1795.

Gentlemen of the Senate:

In pursuance of my nomination of John Jay as Envoy Extraordinary to His Britannic Majesty, on the 16th day of April, 1794, and of the advice and consent of the Senate thereto, on the 19th, a negotiation was opened in London. On the 7th of March, 1795, the Treaty resulting therefrom was delivered to the Secretary of State. I now transmit to the Senate that Treaty, and other documents connected with it. They will, therefore, in their wisdom decide whether they will advise and consent that the said Treaty be made between the United States and His Britannic Majesty.

G. WASHINGTON.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA, TO JOHN JAY, *greeting*:

Reposing special trust and confidence in your integrity, prudence, and ability, I have nominated, and, by and with the advice and consent of the Senate, do appoint you, the said John Jay, Envoy Extraordinary from the United States of America to the Court of His Britannic Majesty, authorizing you hereby to do and perform all such matters and things as to the said place or office doth appertain, or as may be duly given you in charge hereafter, and the said office to hold and exercise during the pleasure of the President of the United States for the time being.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, the nineteenth day of April, in the year of our Lord one thousand seven hundred and ninety-four, and of the independence of the United States of America the eighteenth.

[L. S.]

G. WASHINGTON.

By the President:

EDM. RANDOLPH,
Secretary of State.

Letter of Credence to His Britannic Majesty.

GREAT AND GOOD FRIEND: Being desirous of confirming, between your Majesty and the United States of America, perfect harmony and a good correspondence, and of removing all grounds of dissatisfaction by a friendly discussion, I have made choice of John Jay, Chief Justice of the United States, to repair to your Majesty, in the quality of their Envoy Extraordinary. From a knowledge of his fidelity, probity, and good conduct, I have entire confidence that he will render himself acceptable to your Majesty, and will contribute, to the utmost of his power, to preserve and advance, upon all occasions, the interest and happiness of the two nations. I beseech your Majesty, therefore, to give full credence to whatever he shall say to you on the part of the United States, and, most of all, when he shall assure you of their friendship and wishes for your prosperity. And I pray God to have your Majesty in his safe and holy keeping.

Written at Philadelphia, this fifth day of May, in the year of our Lord 1794.

G. WASHINGTON.

By the President:

EDM. RANDOLPH,
Secretary of State.

To our great and good friend, His BRITANNIC MAJESTY.

Letter of Credence to the Queen.

MADAM, OUR GOOD FRIEND: I have named John Jay, Chief Justice of the United States of America, Envoy Extraordinary to your royal consort. My knowledge of his good qualities gives me full confidence that he will so conduct himself as to merit your esteem. I pray, therefore, that you yield entire credence to the assurances which he will bear to you of our friendship; and that God may always have you, madam, our good friend, in his holy keeping.

Written at Philadelphia, this sixth day of May, in the year of our Lord 1794.

G. WASHINGTON.

By the President:

EDM. RANDOLPH,
Secretary of State.

Treaty with Great Britain.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To all and singular whom these presents shall concern, greeting :

Know ye, that, for the purpose of confirming, between the United States of America and His Britannic Majesty, perfect harmony and a good correspondence, and of removing all grounds of dissatisfaction, and from a special trust and confidence in the integrity, prudence, and abilities, of John Jay, Chief Justice of the United States, I have nominated, and, by and with the advice and consent of the Senate, appointed, the said John Jay Envoy Extraordinary of the United States to His Britannic Majesty, hereby giving and granting to him full and all manner of power and authority ; as also a general and special command, at the Court of his said Majesty, for and in the name of the United States, to meet and confer with the Ministers, Commissioners, or Deputies of his said Majesty, being furnished with sufficient authority, whether singly and separately, or collectively and jointly ; and with them to agree, treat, consult, and negotiate, of and concerning all matters and causes of difference subsisting between the United States and his said Majesty, relative to the inexecution or infraction of the armistice declaring a cessation of hostilities between the United States of America and His Britannic Majesty, at Versailles, on the 20th day of January, 1783, or the definitive Treaty of Peace made between the United States and his said Majesty on the 3d day of September, 1783 ; and to conclude and sign a Treaty or Treaties, Convention or Conventions, touching the premises ; transmitting the same to the President of the United States of America for his final ratification, by and with the advice and consent of the Senate of the United States.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, this sixth day of May, one thousand seven hundred and ninety-four, and of the independence of the United States of America the eighteenth.

G. WASHINGTON.

By the President :

EDM. RANDOLPH,
Secretary of State.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To all and singular whom these presents shall concern, greeting :

Know ye, that, for the purpose of confirming, between the United States of America and His Britannic Majesty, perfect harmony and a good correspondence, and of removing all grounds of dissatisfaction, and from a special trust and confidence in the integrity, prudence, and abilities, of John Jay, Chief Justice of the United States, I have nominated, and, by and with the advice and consent of the Senate, appointed, the said John

Jay, Envoy Extraordinary of the United States to His Britannic Majesty, hereby giving and granting to him full and all manner of power and authority, as also a general and special command, at the Court of his said Majesty, for and in the name of the United States, to meet and confer with the Ministers, Commissioners, or Deputies of his said Majesty, being furnished with sufficient authority, whether singly and separately, or collectively and jointly ; and with them to agree, treat, consult, and negotiate, of and concerning all matters and causes of difference subsisting between the United States and his said Majesty, whether the same respect the inexecution or infraction of the armistice declaring a cessation of hostilities between the United States of America and His Britannic Majesty, at Versailles, on the 20th day of January, 1783, or the definitive Treaty of Peace made between the United States and his said Majesty, on the 3d day of September, 1783, or the instructions of his said Majesty to his ships of war and privateers, of whatever date, but especially on the 8th of June, 1793, the 6th of November, 1793, and the 8th of January, 1794 ; or restitution or compensation in the cases of capture or seizure made of the property of the citizens of the United States by the said ships of war and privateers ; or retribution for the injuries received therefrom by any citizen of the United States ; and, also, of and concerning the general commerce between the United States and the kingdoms and dominions of His Britannic Majesty, wheresoever they may be ; and to conclude and sign a Treaty or Treaties, Convention or Conventions, touching the premises ; transmitting the same to the President of the United States of America, for his final ratification, by and with the advice and consent of the Senate of the United States.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, this sixth day of May, one thousand seven hundred and ninety-four, and of the independence of the United States of America the eighteenth.

G. WASHINGTON.

By the President :

EDM. RANDOLPH,
Secretary of State.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To all and singular whom these presents shall concern, greeting :

Know ye, that, for the purpose of confirming, between the United States of America and His Britannic Majesty, perfect harmony and a good correspondence, and of removing all grounds of dissatisfaction, and from a special trust and confidence in the integrity, prudence, and abilities, of John Jay, Chief Justice of the United States, I have nominated, and, by and with the advice and consent of the Senate, appointed, the said John Jay Envoy Extraordinary of the United States to His

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Britannic Majesty, hereby giving and granting to him full and all manner of power and authority; and also a general and special command at the Court of his said Majesty, for and in the name of the United States, to meet and confer with the Ministers, Commissioners, or Deputies of his said Majesty, being furnished with sufficient authority, whether singly and separately, or collectively and jointly; and with them to agree, treat, consult, and negotiate of, and concerning all matters and causes of difference subsisting between the United States and his said Majesty, relative to the instructions of his said Majesty to his ships of war and privateers, of whatsoever date, but especially on the 8th of June, 1793, the 6th of November, 1793, and the 8th of January, 1794, or restitution or compensation in the cases of capture or seizure made of the property of the citizens of the United States by the said ships of war and privateers; or retribution for the injuries received therefrom by any citizen of the United States; and to conclude and sign a Treaty or Treaties, Convention or Conventions, touching the premises; transmitting the same to the President of the United States for his final ratification, by and with the advice and consent of the Senate of the United States.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, this sixth day of May, one thousand seven hundred and ninety-four, and of the independence of the United States of America the eighteenth.

G. WASHINGTON.

By the President:

EDM. RANDOLPH,
Secretary of State.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED
OF AMERICA.

To all whom these presents shall concern, greeting:

Know ye, that, reposing special trust and confidence in the integrity, prudence, and abilities of John Jay, Chief Justice of the United States, I have nominated, and, by and with the advice and consent of the Senate, have appointed, the said John Jay, Envoy Extraordinary of the United States to His Britannic Majesty; hereby giving him full power and authority for, and in the name of, the United States of America, to confer, treat, and negotiate, with any person or persons duly authorized by his said Majesty, of and concerning the general commerce between the said United States and the kingdoms and dominions of his Majesty, wheresoever they may be; and to conclude and sign a Treaty or Treaties, Convention or Conventions, thereon; transmitting the same to the President of the United States of America for his final ratification, by and with the advice and consent of the Senate.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

Given under my hand, at the city of Phila-

delphia, this sixth day of May, one thousand seven hundred and ninety-four, and of the independence of the United States the eighteenth.

G. WASHINGTON.

By the President:

EDM. RANDOLPH,
Secretary of State.

Instructions to Mr. Jay.

PHILADELPHIA, May 6, 1794.

Sir: The mission upon which you are about to enter, as Envoy Extraordinary to the Court of London, has been dictated by considerations of an interesting and pressing nature.

You will doubtless avail yourself of these to convince Mr. Pinckney, our Minister in ordinary there, of the necessity of this measure, and will thus prevent any wound to his sensibility. He may be assured that it is the impression which will naturally accompany this demonstration of the public sentiment, and not the smallest abatement of confidence in him, which has recommended a special appointment; nor will any of his usual functions be suspended, except so far as they may be embraced in the present commission. It would be unnecessary to add, but for the sake of manifesting this fact and removing difficulties which may arise in your own breast, that you will communicate with him without reserve.

A full persuasion is entertained that, throughout the whole negotiation, you will make the following its general objects: to keep alive in the mind of the British Minister that opinion which the solemnity of a special mission must naturally inspire, of the strong agitations excited in the people of the United States, by the disturbed condition of things between them and Great Britain; to repel war, for which we are not disposed, and into which the necessity of vindicating our honor and our property may, but can alone, drive us; to prevent the British Ministry, should they be resolved on war, from carrying with them the British nation; and at the same time, to assert with dignity and firmness our rights, and our title to reparation for past injuries.

One of the causes of your mission being the vexations and spoliations committed on our commerce by the authority of instructions from the British Government, you will receive from the Secretary of State the following documents, viz: the instructions of the 8th of June, 1793, 6th of November, 1793, and 8th of January, 1794; the Secretary of State's letter to Mr. Pinckney, on the 7th of September, 1793; Mr. Hammond's letter to the Secretary of State, on the 12th of September, 1793; Mr. Pinckney's note and memorial to Lord Grenville; Mr. Hammond's second letter to the Secretary of State, on the 11th of April, 1794; the Secretary of State's answer on the 1st instant; a list and sketch of the cases upon which complaints have been made to our Government; and the instructions given to N. C. Higginson, who has been lately sent as agent to the British Islands in the West Indies.

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These several papers develop the source of our discontent on this head; the representations which have been offered; the answers which have been rendered; and the situation of the business at this moment.

You will perceive that one of the principles upon which compensation is demanded for the injuries under the instructions of the 8th of June, 1793, is, that provisions, except in the instance of a siege, blockade, or investment, are not to be ranked among contraband. To a country remote as the United States are from Europe and its troubles, it will be of infinite advantage to obtain the establishment of this doctrine.

Upon the instructions of the 6th of November, 1793, Mr. Pinckney has made a representation, and perhaps a memorial, to Lord Grenville; both of which you will procure of Mr. Pinckney. The matter of these instructions fills up the measure of depredation. They were unknown publicly in England until the 26th of December, 1793; there is good reason to suppose that they were communicated to the ships of war, before they were published, and that, in consequence of a private notification of them, a considerable number of new privateers were fitted out; the terms "legal adjudication," in spite of the explanation on the 8th of January, 1794, was most probably intended to be construed away or not, according to events; and many vessels have been condemned under them.

Compensation for all the injuries sustained, and captures, will be strenuously pressed by you. The documents which the agent in the West Indies is directed to transmit to London will place these matters in the proper legal train to be heard on appeal. It cannot be doubted that the British Ministry will insist that, before we complain to them, their tribunals, in the last resort, must have refused justice. This is true in general, but peculiarities distinguish the present from the past cases. Where the error complained of consists solely in the misapplication of the law, it may be corrected by a superior Court; but where the error consists in the law itself, it can be corrected only by the law-maker, who, in this instance, was the King, or it must be compensated by the Government. The principle, therefore, may be discussed and settled without delay; and even if you should be told to wait until the result of the appeals shall appear, it may be safely said to be almost certain that some one judgment in the West Indies will be confirmed; and this will be sufficient to bring the principle in question with the British Ministry.

Should the principle be adjusted, as we wish and have a right to expect, it may be advisable to employ some person to examine the proper offices in London, for such vessels as may have been originally tried or appealed upon, and finally condemned. You will also reserve an opportunity for new claims, of which we may all be ignorant for some time to come; and if you should be compelled to leave the business in its legal course, you are at liberty to procure professional aid at the expense of the United States.

Whenever matters shall be brought to such a

point as that nothing remains for settlement but the items of compensation, this may be entrusted to any skilful and confidential person whom you may appoint.

You will mention, with due stress, the general irritation of the United States at the vexations, spoliations, captures, &c. And being on the field of negotiation you will be more able to judge than can be prescribed now, how far you may state the difficulty which may occur in restraining the violence of some of our exasperated citizens.

If the British Ministry should hint at any supposed predilection in the United States for the French nation, as warranting the whole or any part of these instructions, you will stop the progress of this subject, as being irrelevant to the question in hand. It is a circumstance which the British nation have no right to object to us, because we are free in our affections and independent in our Government. But it may be safely answered, upon the authority of the correspondence between the Secretary of State and Mr. Hammond, that our neutrality has been scrupulously observed.

II. A second cause of your mission, but not inferior in dignity to the preceding, though subsequent in order, is to draw to a conclusion all points of difference between the United States and Great Britain, concerning the Treaty of Peace.

You will therefore be furnished with copies of the negotiation upon the inexecution and infractions of that Treaty, and will resume that business. Except in this negotiation, you have been personally conversant with the whole of the transactions connected with the Treaty of Peace. You were a Minister at its formation, the Secretary of Foreign Affairs when the sentiments of the Congress, under the Confederation, were announced through your office; and as Chief Justice you have been witness to what has passed in our Courts, and know the real state of our laws, with respect to British debts. It will be superfluous, therefore, to add more to you than to express a wish that these debts, and the interest claimed upon them, and all things relating to them, be put outright in a diplomatic discussion, as being certainly of a judicial nature, to be decided by our Courts; and if this cannot be accomplished, that you support the doctrines of Government with arguments proper for the occasion, and with that attention to your former public opinions, which self-respect will justify, without relaxing the pretensions which have been hitherto maintained.

In this negotiation as to the Treaty of Peace, we have been amused by transferring the discussions concerning its inexecution and infractions from one side of the Atlantic to the other. In the mean time, one of the consequences of holding the posts has been much bloodshed on our frontiers by the Indians, and much expense. The British Government having denied their abetting of the Indians, we must of course acquit them. But we have satisfactory proofs (some of which, however, cannot, as you will discover, be well used in public) that British agents are guilty of

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stirring up and assisting with arms, ammunition, and warlike implements, the different tribes of Indians against us. It is incumbent upon that Government to restrain those agents; or the forbearance to restrain them cannot be interpreted otherwise than as a determination to countenance them. It is a principle from which the United States will not easily depart, either in their conduct towards other nations, or what they expect from them, that the Indians dwelling within the territories of one shall not be interfered with by the other.

It may be observed here, as comprehending both of the foregoing points, that the United States testify their sincere love of peace, by being nearly in a state of war, and yet anxious to obviate absolute war by friendly advances; and if the desire of Great Britain to be in harmony with the United States be equally sincere, she will readily discover what kind of sensations will at length arise, when their trade is plundered; their resources wasted in an Indian war; many of their citizens exposed to the cruelties of the savages; their rights by Treaty denied; and those of Great Britain enforced in our Courts. But you will consider the inexecution and infraction of the Treaty as standing on distinct grounds from the vexations and spoliations; so that no adjustment of the former is to be influenced by the latter.

III. It is referred to your discretion whether, in case the two preceding points should be so accommodated as to promise the continuance of tranquility between the United States and Great Britain, the subject of a Commercial Treaty may not be listened to by you, or even broken to the British Ministry. If it should, let these be the general objects:

1st. Reciprocity in navigation, particularly to the West Indies, and even to the East Indies.

2d. The admission of wheat, fish, salt meat, and other great staples, upon the same footing with the admission of the great British staples in our ports.

3d. Free ships to make free goods.

4th. Proper security for the safety of neutral commerce in other respects; and particularly, by declaring provisions never to be contraband, except in the strongest possible case, as the blockade of a port; or, if attainable, by abolishing contraband altogether: By defining a blockade, if contraband, must continue in some degree, as it is defined in the armed neutrality: By restricting the opportunities of vexation in visiting vessels; and by bringing under stricter management privateers, and expediting recoveries against them for misconduct.

5th. Exemption of emigrants, and particularly manufacturers, from restraint.

6th. Free exports of arms and military stores.

7th. The exclusion of the terms "the most favored nation," as being productive of embarrassment.

8th. The convoy of merchant ships by the public ships of war, where it shall be necessary, and they be holding the same course.

9th. It is anxiously to be desired, that the fish-

ing grounds now engrossed by the British should be opened to the citizens of the United States.

10th. The intercourse with England makes it necessary that the disabilities arising from alienage, in cases of inheritance, should be put upon a liberal footing, or rather abolished.

11th. You may discuss the sale of prizes in our ports while we are neutral; and this, perhaps, may be added to the considerations which we have to give, besides those of reciprocity.

12th. Proper shelter, defence, and succor against pirates, shipwreck, &c.

13th. Full security for the retiring of the citizens of the United States from the British dominions, in case a war should break out.

14th. No privateering commissions to be taken out by the subjects of the one, or citizens of the other party, against each other.

15th. Consuls, &c., to be admitted in Europe, the West and East Indies.

16th. In case of an Indian war, none but the usual supplies in peace shall be furnished.

17th. In peace, no troops to be kept within a limited distance from the Lakes.

18th. No stipulation whatsoever is to interfere with our obligations to France.

19th. A Treaty is not to continue beyond fifteen years.

IV. This enumeration presents generally the objects which it is desirable to comprise in a commercial Treaty; not that it is expected that one can be effected with so great a latitude of advantages.

If to the actual footing of our commerce and navigation in the British European dominions could be added the privilege of carrying directly from the United States to the British West Indies, in our own bottoms generally, or of certain defined burdens, the articles which, by the act of Parliament, 28 Geo. III. c. 6, may be carried thither in British bottoms, and of bringing from thence, directly to the United States, in our bottoms, of like description, the articles which, by the same act, may be brought from thence to the United States in British bottoms, this would afford an acceptable basis of Treaty for a term not exceeding fifteen years; and it would be advisable to conclude a Treaty upon that basis. But such a Treaty, instead of the usual clause concerning ratification, must contain the following: "This Treaty shall be obligatory and conclusive, when the same shall be ratified by His Britannic Majesty, of the one part, and by the President of the United States, by and with the advice and consent of the Senate, of the other."

But if a Treaty of Commerce cannot be formed upon a basis as advantageous as this, you are not to conclude or sign any such; it being conceived that it would not be expedient to do anything more than to digest with the British Ministry the articles of such a Treaty as they appear willing to accede to; referring them here for consideration and further instruction previous to a formal conclusion.

Some of the other points, which it would be interesting to comprehend in a Treaty, may not

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be attended with difficulty. Among these is the admission of our commodities and manufactures, generally, into the British European dominions upon a footing equally good with those of other foreign countries. At present, certain enumerated articles only are admitted; and though the enumeration embraces all the articles which it is of present consequence to us to be able to export to those dominions, yet in process of time an extension of the objects may become of moment. The fixing of the privileges which we now enjoy in the British East Indies, by toleration of the Company's government, if any arrangement can be made, with the consent of the Company, for that purpose, would be also a valuable ingredient.

V. You will have no difficulty in gaining access to the Ministers of Russia, Denmark, and Sweden, at the Court of London. The principles of the armed neutrality would abundantly cover our neutral rights. If, therefore, the situation of things, with respect to Great Britain, should dictate the necessity of taking the precaution of foreign co-operation upon this head; if no prospect of accommodation should be thwarted by the danger of such a measure being known to the British Court; and if an entire view of all our political relations shall, in your judgment, permit the step, you will sound those Ministers upon the probability of an alliance with their nations to support those principles.

However, there can be no risk in examining what can be concerted with Denmark and Sweden, or any other Power, against the Algerines. It may be represented to the British Ministry, how productive of perfect conciliation it might be to the people of the United States, if Great Britain would use her influence with the Dey of Agiers for the liberation of the American citizens in captivity, and for peace upon reasonable terms. It has been communicated from abroad, to be the fixed policy of Great Britain to check our trade in grain to the Mediterranean. This is too doubtful to be assumed, but fit for inquiry.

VI. Such are the outlines of the conduct which the President wishes you to pursue. He is aware that, at this distance, and during the present instability of public events, he cannot undertake to prescribe rules which shall be irrevocable. You will, therefore, consider the ideas herein expressed as amounting to recommendations only, which, in your discretion, you may modify as seems most beneficial to the United States, except in the two following cases, which are immutable: 1st. That as the British Ministry will doubtless be solicitous to detach us from France, and may probably make some overture of this kind, you will inform them that the Government of the United States will not derogate from our Treaties and engagements with France, and that experience has shown that we can be honest in our duties to the British nation, without laying ourselves under any particular restraints as to other nations; and, 2d. That no Treaty of Commerce be concluded or signed contrary to the foregoing prohibition.

Besides the papers and documents mentioned in the former parts of these instructions, you have

received your commission as Envoy Extraordinary, letters of credence to the King and Queen of England; the latter of which, being without superscription, you will address as may appear proper, and deliver or not, as you find to be right on such occasions; four sets of powers, one general, comprehending all the points to be negotiated with Great Britain; the other three special, for each separate point, in order that you may be prepared to exhibit your authority altogether, or by detachment, as may be most convenient. Copies of Lord Dorchester's speech to the Indians, the authenticity of which, though not absolutely ascertained, is believed: and of certain affidavits respecting the British interference with our Indians; and a cipher.

You are too well acquainted with the nature of the great functions which you are called to exercise, to render it necessary for me to add the earnest wish of the President of the United States that your communications to the Secretary of State should be frequent and full; and that you should correspond with our Ministers abroad, upon any interesting occasion which may demand it. For the latter of these purposes, you will avail yourself of Mr. Pinckney's ciphers.

Your expenses will be paid, together with the allowance of thirteen hundred and fifty dollars per annum for a secretary.

On your return, you will be pleased to deliver into the Secretary of State's office, such papers as you may possess, of importance sufficient to be filed there; and will prepare a general report of all your transactions.

Not doubting that you will execute this trust in a manner honorable to yourself, and salutary to the United States, I beg leave to offer to you my sincere wishes for your health and safe return.

EDMUND RANDOLPH,
Secretary of State.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, May 27, 1794.

SIR: The embargo ceased the day before yesterday; and the William Penn, being the first ship from this port destined to London, will bear my despatches.

If it were not to demonstrate our anxiety for the success of your mission, it would be scarcely worth mentioning a circumstance which you will doubtless have ascertained before that part of your instructions relative to Sweden is executed. The Vice President assures us that the present Minister from that country at the Court of London, is so notoriously at the command of the British Minister, that the latter is instantaneously informed of every piece of intelligence deposited with the former. Still, the President, reviewing the possibilities which are opened by the prospect of what you already know, and what will now be communicated to you, becomes daily more strenuous that Denmark and Sweden should be well understood, as to the point to which they will go with us, in case we are driven into a war with Great Britain. He would send a Minister thither immediately,

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to explore and negotiate eventually; but that good faith, and the state of things in your hands, require a suspension of this measure, and he confides that you will, if necessary, prepare the minds of those Powers, through their representatives in London, and give us the earliest notice of the fitness of making a more direct and formal application to them.

Although our agent in the West Indies, Mr. Higginson, will certainly forward to you the various documents and information which he was instructed to collect, yet I have thought it best to send to you, by this opportunity, such papers on the vexations and spoiliations of our trade as have been transmitted to my office. They are, indeed, extremely imperfect in every respect; but they contain enough of the cases, in general, to afford a competent idea of the principle of each, and may be useful until the full records arrive, or if any accident should befall them.

You carried with you a list of all which had been brought to view at the time of your departure. Some additions have been since made, and are noted in a supplementary list. The Senate is in possession of a short abstract of most of the complaints; and immediately upon their rising, which will probably take place in ten days, I will procure it, and convey it by the next conveyance afterwards. I beg leave to suggest to you that, as several of these papers may, perhaps, be useful in controversies with underwriters, it may be advisable to return such of them as are not indispensably necessary to be retained.

The late conduct of Mr. Hammond is that of a minister foreseeing a rupture with the United States, and collecting every scrap of exceptionable matter, howsoever small, in order to swell the list of grievances in some future manifesto. He will, therefore, magnify an affair which happened here a week or two ago, when an American vessel, chartered by some British officers, was supposed to be secretly preparing to violate the embargo. But the letters which have passed on the occasion, and accompanying this, will prove the exertions of the Government and the petulance of himself.

There was more pretext, however, for this than for some other of his complaints. He wrote strongly of danger to Mr. Thornton, the British Consul at Baltimore, from a lawless mob there; of danger to Mr. Hamilton, the British Consul at Norfolk, from a lawless mob there; of danger to Sir C. H. Knowles, commander of the *Dædalus* frigate, at Norfolk, from the same lawless mob; and of an unjust prohibition to the *Gælan* and *Hussar* frigates, to go up to Charleston, South Carolina. The Government yielded to his apprehensions, and took the steps, and produced the result disclosed in the papers now forwarded, as being connected with these affairs. You will see from them how prompt he is to begin a remonstrance, when his information is neither precise nor specific. The Government, I am sure, ought not, and, I trust, never will, suffer unauthorized individuals to measure out compensation or revenge for themselves. But you well know the

irritability which the late plunderings and injuries have excited; and I can assure you that it is hourly increased by the animated accounts which are daily brought from the West Indies by our returning captains and sailors, of their aggravated and unparalleled sufferings there. We ask, on the arrival of every vessel from thence, with an earnestness to be answered in the affirmative, "have the instructions of the 8th of January abolished the severities of preceding instructions?" We hear nothing satisfactory; and we hear many new things of the depredations on our property at Martinique, which keep us in a dreadful uncertainty.

A few days ago we were roused by the intelligence that Governor Simcoe had marched to the rapids of the Miami of the Lake, with three companies of Colonel England's regiment, to build a fort there. This produced a letter from myself to Mr. Hammond, and his answer. From them, and the other papers, you will observe, that Lord Dorchester's speech is unquestionably authentic, and that we are utterly at a loss whether the movement of Simcoe springs from the spirit of November 6, 1793, which the British Minister has not had time to correct, or a part of the system which is even yet to be adhered to. In a day or two I expect to have an answer ready to Mr. Hammond's answer, the principal drift of which will be to obviate the insinuations in the latter part of his letter. In the mean while, I enclose to you the proceedings at Newport, in Rhode Island, which involve too much delicacy to be delayed in the communication. But all these events, proceeding, as they do, from a state of inflammation, which the British Government has it in their power to extinguish, manifest the necessity of an immediate adjustment of our disputes.

To prove that we do not suffer the French to take any liberty, not consistent with their duty to us as neutrals, I beg leave to refer to the publications of our measures in Kentucky, South Carolina, and Georgia.

We take it for granted that the nature of the subject, the opinions expressed to you by the President, the instructions which were delivered to you, and, indeed, your own judgment and inclination, rendered it unnecessary to use any very pointed prohibition of a surrender of the posts or any part of our territory to Great Britain, upon any consideration. The interesting magnitude of the subject will therefore be my apology for mentioning the decided and irrevocable sense of the President relative to this affair.

You will be pleased to communicate this letter to Mr. Pinckney; and to be assured that I am, sir, with truth and sincerity, your obedient servant,
EDMUND RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, May 28, 1794.

SIR: It will be out of my power to send by the William Penn any other of the documents mentioned in my letter of yesterday, than those which relate to British spoiliations, (in a box;) copies

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from the War Office, respecting Lord Dorchester's and Governor Simcoe's movements; copies of Mr. Hammond's correspondence with me upon this subject; and copies of what has been published by the House of Representatives concerning the expeditions meditated against the Spanish dominions. The other papers will be expedited by the George Barclay, which will sail to-morrow for London.

I have the honor, sir, to be, with sincere respect,
your most obedient servant,

EDMUND RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, May 29, 1794.

SIR: The remaining papers, referred to in the letter which I had the honor of writing to you yesterday, are herewith enclosed, according to the list. From No. 1 to No. 23, inclusive, you will find an explication of what relates to the British Consul at Baltimore, the British Consul at Norfolk, Sir C. H. Knowles, and the Bermudian privateer. From No. 24 to 35, inclusive, the affair of the Swift Packet, and the supposed insult to the British officers, are stated. No. 36 contains the allegations against the State of Rhode Island. No. 37 is no further important than to show the sense of Mr. Hammond, while he was in good temper, of the actual civility of our conduct towards him.

I forward by this conveyance to Mr. Pinckney some papers relative to a claim of Maryland, for stock in the Bank of England. That State conceives this matter to have been discarded by some decree of the Chancellor of Great Britain from forensic jurisdiction, and to be now converted into a diplomatic question. How far this may be the case I pretend not to determine; but should it be so, and effectual aid can be given to Mr. Pinckney by your intervention, or it can be seasonably mixed with your mission, the President wishes you to take the subject up.

In the box sent yesterday, are my letters, newspapers, and the publications respecting Lord Dorchester's speech, Governor Simcoe's movement, and the expeditions meditated against the Spanish dominions. The publications are now repeated to Mr. Pinckney.

I have the honor, sir, to be, with great and sincere respect, your most obedient servant,

EDMUND RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, June 8, 1794.

SIR: I do myself the honor of referring you to my letters of the 27th, 28th, and 29th of the last month, and the papers forwarded with them. By the Atlantic, from this port, will go another bundle of spoiliations, according to the list sent, and my answer to Mr. Hammond's letter of the 22d ultimo.

We have not yet received any very authentic documents from Martinique; but, if we are to believe a report which circulates here upon good

foundation, the system of plunder, persecution, and cruelty, adopted by Admiral Jervis, after acquiring possession of the island, is unknown in the history of any warring towards a neutral nation. It is said that, before a vessel could be claimed by the citizens of the United States in the Court of Admiralty, the Captain was obliged to give security to the amount of sixty johanneses to answer the costs; that condemnation being general, this sum was an addition to their loss; that prison-ships are open for the reception of the Americans; and that multitudes are crowded in them. So much depends upon your mission that, if it should be unsuccessful, contrary to the wish of my friends and the friends of peace, I know not how the general irritation can be checked.

I have the honor, sir, to be, with great respect and esteem, your most obedient servant,

EDMUND RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, June 9, 1794.

SIR: Since the writing of my letter yesterday, I have received from Mr. Pinckney the case of the snow Sukey, and from the eastward, that of the brigantine Maria. I beg leave to add these to the long list already in your hands, and to assure you of the great respect and esteem with which I have the honor, sir, to be, your most obedient,

EDMUND RANDOLPH.

Mr. Jay to Mr. Randolph—No. 1.

FALMOUTH, June 9, 1794.

SIR: I landed here last evening, and immediately informed Lord Grenville and Mr. Pinckney of my arrival, by letters which went by the post last night.

In the course of this day I expect to set out for London, from whence I promise myself the honor of writing to you again very speedily. This letter will be committed to the care of Captain Blair, who will sail next week for Philadelphia. Be so obliging as to forward the enclosed.

I shall request Mr. Fox, our Consul here, to send you some of the latest public papers. As yet I have not had time to read any of them; but am told they mention several interesting events.

I have the honor to be, with great respect, &c.,

JOHN JAY.

P. S. Mr. Fox, the Consul, informs me that his commission is to Richard Fox, instead of Robert Were Fox, which is his name—he wishes that another commission may be issued accordingly.

Mr. Jay to Mr. Randolph—No. 2.

LONDON, June 23, 1794.

SIR: I had the honor to write to you a few lines at Falmouth on the 9th instant, mentioning my having arrived there the preceding evening; that letter was committed to the care of our Consul Mr. Fox. He expected to forward it by the Active, Captain Blair, who was soon to sail for Phi

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Philadelphia, but whose departure has been unexpectedly prolonged to this time.

On the 15th I arrived here, and the same day mentioned it by letter to Lord Grenville. He appointed the 18th for my reception, and I then communicated to him my first commission, and left with him a copy of it. This was a visit of ceremony, and nothing passed between us relative to the objects of my mission. The next day I sent him copies of my letters of credence.

On the 20th I had an interview with him by his appointment; and I communicated to him my general power, of which I have since sent him a copy. Much general conversation took place, and the principal topics were touched upon. His lordship did not commit himself on any point; he heard me very patiently and politely. He promised to appoint a short day for another conference, and I took my leave impressed with sentiments favorable to his character and manners. If his disposition be hostile he conceals it admirably. What will be the decision of the Court I will not venture even to conjecture. As yet I have no reason to be dissatisfied, or to consider appearances as being unfavorable. No delays or arts to procrastinate have been practised.

It is to be wished that no intelligence of an irritating nature may arrive from America. I do not regard preparations for war as of that nature. They ought not, in my opinion, to be neglected or delayed in the most profound state of peace.

I shall not omit any opportunity of giving you such information as will enable you to see precisely the state of the negotiation, and shall endeavor to avoid deceiving you or myself by delusive hopes or groundless fears.

I have the honor to be, with great respect, &c.,

JOHN JAY.

Mr. Jay to Mr. Randolph—No. 3.

LONDON, June 26, 1794.

SIR: Since my last, the Minister has appointed to-morrow for a conference with me. Captain Allen waits for my letter. Nothing new has occurred; appearances continue favorable.

Yours, &c.,

JOHN JAY.

Mr. Jay to Mr. Randolph—No. 4.

LONDON, July 6, 1794.

The letters which, since my arrival, I have had the honor of writing to you, are as follows: 9th June, at Falmouth, left with our Consul there to transmit by the Active, Captain Blair, for Philadelphia; and the 23d June, by Mr. Francis, of which I also sent a duplicate by the Mohawk, Captain Allen, to New York, and 26th June, by the same.

On the 27th June, I had a conference with Lord Grenville, in the course of which all the topics of difference between the two nations were touched. This conference I considered as intended for more particular discussions. It amounted, however, only to a friendly and informal conversation on

these subjects. He appeared to be liberal, candid, and temperate, but did not commit himself, or say anything decisive on any point. He observed that he wished first to be informed of the extent of our views and objects, and that a consultation with the rest of the King's Ministers would be necessary to enable him to be more explicit. This appeared to me to be perfectly fair and proper.

In conversing on the subject of captures and spoiliations, I was surprised that not a single case under the instructions of November had been laid before him. He requested me to furnish him with some of the strongest of those cases, and remarked that an accurate knowledge of facts should precede any measures on that head. He said very frankly that there might be such a state of things as to render the interposition of Government proper and necessary to satisfy justice; and that he was desirous of having such exact information as would enable him to judge whether, and how far, the captures in question were under that predicament. On applying to Mr. Pinckney, I learned that no such cases had been transmitted to him from America. Mr. Crafts, a gentleman from Boston, has furnished me with the case of the Charlotte, decided at Antigua, and from which decision an appeal was made. It unfortunately happens that this is not among the strongest of those cases. Mr. Crafts took the opinion of counsel on the subject; that opinion is as follows:

"THE CHARLOTTE, COFFIN.—Appeal from Antigua.

"Dr. Nicoll is requested to peruse the proceedings and evidence contained in the process herewith left, and advise whether it is expedient for the claimants to prosecute this appeal.

"I have perused the proceedings and evidence contained in the process transmitted, by which it appears that the cargo of this ship being the produce of the French West India colonies, and coming directly from thence to France, was considered as liable to confiscation, although it should be the property of Americans.

"In the war before the last, Great Britain condemned neutral vessels and their cargoes trading to the French islands, upon the ground that the trade was not permitted in time of peace, and that the permission was given by the French during the distresses of war, as an expedient to protect their property against British captors; which occasional protection, neutral nations were held to have no right to afford them. In the last war, neutral vessels trading to the French islands were not condemned, but the former principle was not thereby considered to be abandoned, inasmuch as the French had opened their colonial ports before the commencement of hostilities. No such step (as far as I am informed) was taken by the French previous to the present hostilities; and, as the Americans and other neutrals were not permitted, before the war, to purchase the produce of the French islands and carry it in their own vessels from thence to France, and as the instructions of the 8th of January, 1794, (revoking those of 6th November, 1793,) still direct the seizure of 'all

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vessels, with their cargoes, that are laden with goods, the produce of the French West India islands, and coming directly from any port of the said islands to any port in Europe; I should apprehend that the sentence of condemnation will be affirmed. However, it being understood that a negotiation between Great Britain and America is now pending, in which it is probable that the legality of this trade will undergo some discussion and settlement, it will, at all events, be expedient on the part of the appellant so far to proceed as to preserve his right of bringing the sentence to a revision; more especially as no decision upon the point has yet taken place by the Lords of Appeal; but the expediency of finally bringing the cause to a hearing may depend upon the result of the pending negotiation, or upon some decision to be given by the Appellant Court.

"J. NICHOLL

"JULY 2, 1794."

The list of captures with which I was furnished does not state the principles or pretexts on which the condemnations mentioned in it were grounded, and consequently is of little use on the present occasion. The case of Marston Watson, which I received from you before my departure, is a very strong one; but then it asserts only the expectation, but not the certainty of condemnation.

No despatches from Mr. Higginson (of whose instructions I have a copy) have as yet reached me. These instructions are, in my opinion, well devised; and if as well executed, will furnish me with all the information which it seems has become so requisite.

On the 3d of this month I was, in the usual form, presented to the King, and the next day to the Queen. The reception I received from them both was affable and satisfactory, and perfectly calculated to create an opinion of the good will of this Government to the United States. The King seemed to be well prepared for the occasion. He expressed his confidence in the assurances I gave him of the disposition of the United States to cultivate peace and harmony. He intimated (but without any direct application) that it was expedient for all nations who respected order, good government, morality, and religion, to be friends. On this topic he expressed many general sentiments that were liberal and proper. How far these appearances will correspond with future facts, time only can decide; they certainly afford some, though not *conclusive* evidence, of a friendly disposition.

By the arrival of the William Penn, your late correspondence with Mr. Hammond became known to the public. What impression it has made on the Government here, I have not as yet been able to judge.

In the conduct of this negotiation, I shall proceed with as much expedition as prudence will permit. It appears to me expedient to be guided by occasions and circumstances, and to give every conciliatory application a fair experiment. Conceiving it to be advisable to afford the Minister an

opportunity of increasing the evidence of a friendly disposition, I prepared a letter to him, which, after having well considered, I sent to him the next day. It is in these words, viz:

"PALL MALL, ROYAL HOTEL, July 3, 1794.

"MY LORD: Such various and important affairs must necessarily demand and employ your time and attention, that I really feel a reluctance to add to their number; and yet, circumstanced as I am, and circumstanced as my country is, I find myself irresistibly impelled to submit to your lordship's consideration, the expediency of my being authorized to convey to the President (by the vessels which sail next week) such assurances as may tend to compose his and the public mind in America.

"I can find but few authenticated cases of the captures in question, which have as yet arrived here, and they shall be speedily laid before your lordship. Would it not, for the present, consist with your ideas on that subject to say, that, if those captures, on being investigated, should appear to be of such extent and magnitude as to merit the attention and interposition of Government, that then, &c., &c.?

"Would it not also be right and proper to open the door for appeals, and to instruct His Majesty's officers in America to promote, by their conduct, that friendship and mutual good will which the Governments of both countries desire to establish and perpetuate? Delay is often hazardous. Pardon my anxiety, lest new difficulties should arise; to prevent, is generally more easy than to remedy.

"I cannot conclude this letter, without expressing to your lordship how sensibly I feel, and am gratified, by the friendly disposition of His Majesty towards the United States, manifested by the very gracious reception with which I have been honored by their Majesties, and the magnanimity of the sentiments which the King condescended to express on the occasion.

"It is my duty, and I shall perform it with the most cordial satisfaction, to make known to the President these pleasing circumstances; they perfectly harmonize with the liberality and candor, and with the obliging attentions I have experienced from your lordship; and if these representations should be accompanied with correspondent official assurances, a promising foundation would be laid for the establishment and duration of that friendship and cordiality between our two countries, which I pray God may speedily take place, and become perpetual.

"With very sincere respect and esteem, I have the honor to be, my lord, your lordship's, &c.,
"J. J.

"P. S. As yet I have received no official letters by the late arrivals from America.

"Rt. Hon. LORD GRENVILLE, *one of His Majesty's Principal Secretaries of State, &c.*"

To this letter I have not as yet received an answer, nor did I expect one so early. You will readily perceive, that, before it can be answered, the Administration will probably think it necessa-

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ry to decide on their line of conduct towards our country. Whatever the answer may be, it will unavoidably contain indications, either of evasion, or suspense, or irritation, or fair and liberal conduct. What the complexion will be, I cannot predict. As yet I have every reason to be satisfied, and it is but just and right that I should say it without reserve.

I shall persevere in my endeavors to acquire the confidence and esteem of the Government, not by improper compliances, but by that sincerity, candor, truth, and prudence, which, in my opinion, will always prove to be more wise and more effectual than finesse and chicanery.

Formal discussions of disputed points should, in my judgment, be postponed, until the case becomes desperate. My present object is to accommodate, rather than to convict or convince. Men who sign their names to arguments seldom retract.

If, however, my present plan should fail, and I am far from being certain that it will not, I shall then prepare and present such formal, and, at the same time, such temperate and firm representations as may be necessary to place the claims and conduct of the two Governments in their proper points of view.

On the 5th of July I received the following letter from Mr. Henry Waddell, viz:

"JULY 5, 1794.

"SIR: By the advice of Thomas Pinckney, Esq., I have called upon you to state the particulars of the capture and detention of the American ship *Amsterdam Packet*, but not having the honor of a personal interview, permit me to do it in this way.

"The American ship *Amsterdam Packet*, (Henry Waddell, master,) of New York, owned by Messrs. Daniel Ludlow & Co., laden with sugar, cotton, coffee, pot and pearl ashes, oil and tobacco, left said port on the 28th of October last, bound for the port of Havre-de-Grace; but, on the 29th November following, was forcibly taken by the privateer *Princess Elizabeth*, cutter, and carried into Liverpool, where the vessel, as well as cargo, are still detained, without any other reason assigned than that the captors say they are indemnified by the order of the 6th November, (which no doubt you are acquainted with,) and for which she must wait the adjudication. It is now seven months since the vessel was taken, and if we have to wait our turn for the adjudication of the Admiralty Court, it will be three or four months more before we can hope for a release. Any services rendered by you will be thankfully acknowledged by, sir, &c., &c.,

"HENRY WADDELL.

"Hon. JOHN JAY, Esq.,
Envoy Extraordinary, &c."

I immediately sent it to Lord Grenville, enclosed in the following letter, viz:

"PALL MALL, July 5, 1794.

"MY LORD: I am persuaded your sensibility will be hurt by the delay mentioned in the enclosed letter from Mr. Waddell. The impressions

which it must naturally make, even on the most liberal minds, are to be regretted. It will be sensibly felt by the owner, whose nearest connexions have, to my knowledge, done and suffered much from their attachment to this country.

"I forbear to add any thing, except sincere assurances of the respect and esteem with which I have the honor to be, &c., J. J.

"The Right Hon. Lord GRENVILLE, &c."

This letter needs no comment; it will probably lead the Minister to observe that all descriptions of persons amongst us are affected by the injuries of which we complain, and will naturally participate in the sentiments which those injuries cannot fail to excite. It is for the sake of this idea that I mention the transaction, which, in other respects, may not be deemed of sufficient importance to find a place in this letter.

I have seen many respectable and influential characters here, and, from their sentiments and conversation, there certainly is reason to believe that war with us would be an unpopular measure, provided nothing should occur to fix the imputation of aggression on us.

In a late conversation with certain persons attached to the Administration, and of weight in that scale, the general conduct of our Government received the most unreserved approbation, and the character of the President was spoken of in terms of the highest respect.

I have not heard that Carleton's speech or Simcoe's interference were defended by anybody. As yet I have neither heard nor seen anything that looks like a hostile disposition in the mass of this nation towards ours, but the contrary.

What designs may be, or have been, in the Cabinet, is another matter. Information of that kind is not readily acquired, but I shall not be inattentive to it. Men are prone to suspect, sometimes, too much, and sometimes too little; and to avoid both extremes is more proper than it is easy.

On the subject of the affairs committed to me, I have nothing further to add at present.

I have received a letter from Mr. Bourne, which, together with my answer to it, should, I think, be communicated to you. They are as follows, viz:

"AMSTERDAM, June 27, 1794.

"SIR: I am made happy by the opportunity of tendering to you my congratulations on your safe arrival in Europe, which I beg you to accept of, accompanied with my cordial wishes for the success of your mission, as involving the most important interests of our country.

"I am sorry to observe that the conduct of this Government of late (though perhaps more equivocal than that which has been pursued by Great Britain) must operate as a very serious injury to the commerce of America. In the face of express stipulation of Treaty, they have prohibited us from taking away nearly all the articles for which we have a demand, and many others, unless on condition of giving heavy bonds that they shall be landed in America, or rather, not in France. In short, such are the troubles and vexations

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which burden our intercourse with them, that our vessels are generally obliged to depart in ballast.

"We have no friend or assistant here, clothed with public authority, to whom we can resort for advice or protection on the points alluded to; but should it be within the latitude of your powers to remonstrate, I doubt not the issue would be favorable.

"Persuaded that you will not ask an apology for what has been prompted by a sense of duty to my country, I forbear to make one for the trouble I give you by this communication, and pray you to be assured of those sentiments of profound respect and esteem with which I have the honor to be, &c., &c.,

"S. BOURNE.

"Hon. JOHN JAY, Esq." &c. &c.

"LONDON, July 5, 1794.

"SIR: I have been favored with yours of the 27th of last month; accept my thanks for the friendly congratulations contained in it.

"That the President may be informed of the facts you mention, I shall take the liberty of transmitting a copy of your letter to the Secretary of State.

"Not being within the limits of my commission, I cannot with propriety interfere by making any representations on these subjects. With the best wishes for your health and happiness, I am, sir, &c., &c., "J. J.

"SYLVANUS BOURNE, Esq., Amsterdam.

July 8, 1794. Nothing new has occurred since the foregoing letter was written.

I have the honor to be, &c.,

JOHN JAY.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, July 9, 1794.

SIR: The object of this letter is simply to meet some violent representations which have probably been hurried to Great Britain from Bermuda, that their impression might be free to operate for some time without contradiction. For it is a lamentable thing to believe, with too much reason, that, in general, the agents of Great Britain in America are gratified when they can cast a distant suspicion upon our neutrality. I cannot forbear to remark how singular it is, that the Governor of Bermuda has not forwarded to Mr. Hammond any of the proofs which are said to be possessed by him; and that Mr. Hammond has imparted the little which he knew, only on a special application, as if both the one and the other were afraid of enabling us to vindicate our character.

During the existence of our embargo, Mr. Hammond obtained a passport for his despatches to London, by the way of Halifax. A similar privilege being requested by Mr. Fauchet for Port au Paix, a passport was granted, with an express injunction that the vessel, which was called L'Aimable, or L'Aimable Gentille, should proceed in ballast. We never heard more of her, until, on the 30th ult., intelligence arrived of her

having been captured with one hundred and fifty barrels of powder on board. Hence arose the different letters and documents, displaying the whole of our conduct up to this day. If, before this letter is put on board of the vessel which is to carry it, anything else shall occur, it will be added. If not, be assured that you may, with the utmost confidence, declare, that we will not relinquish the investigation until we procure all the proof in our power, and whatsoever punishment the laws inflict on any person found culpable, shall be inflicted. I can hardly suppose that the British Ministry, after such manifestations of our sincerity, will be hastily caught by appearances. No law prohibited the exportation of powder, the resolution of embargo excepted, at the time of the sailing of L'Aimable; and to suspect that Government would, if inclined to aid the French resistance to the combined Powers, resort to so petty a manœuvre, would look strongly like a predetermined rancor. Government disclaims the idea.

I have the honor, sir, to be, with sincere esteem and respect, &c.,

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No 5.

LONDON, July 9, 1794.

SIR: On the 6th instant I had the honor of writing you a long and particular letter; it was closed yesterday by a postscript informing you that nothing new had occurred.

This morning I received, by the post from Dover, a letter which I suppose was there put into the office from an American vessel lately arrived. I presume it was from your office; it contained a copy of the acts passed during the late session of Congress, but no letter was enclosed with it.

The events which gave occasion to your late correspondence with Mr. Hammond, and the expiration of the embargo, are circumstances which rendered me solicitous to receive from you official accounts of them, as in that case I might have made them the subjects of an interesting and perhaps useful communication to the Minister. Doubts of the propriety of grounding it on newspaper evidence, and the daily expectation of receiving letters from you, which might contain not only information but instructions, have induced me to decline writing or saying anything officially on those subjects. I suspect that your letters are still on the way, and will soon arrive.

A new arrangement of the Ministry has, it is said, taken place, and will soon be announced; the enclosed paper will inform you of the particulars: if true, it will give strength to the Administration by uniting the leaders of the contending parties.

As yet I have received no answer to my letter of the third instant to the Minister. It is not improbable that the operation of this change in the Ministry has occasioned the delay, as the concurrence and counsels of the new Ministers would be necessary to the stability of any system relative to us that may be in contemplation. What that system may be, I cannot pretend to predict

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or even conjecture: and, therefore, again take the liberty of hinting, that, in my opinion, our preparations for war should continue unremitted.

The merchants here, it seem, entertain sanguine expectations that all differences will be amicably settled, and I believe that the Ministry has encouraged and countenanced these expectations, though not in a manner so explicit and decided as to have committed themselves. At present, things appear to me to be so circumstanced as that neither a hostile nor a pacific system would surprise me. You shall be regularly and accurately informed of every change that may happen in the prospect of either. And I think it will not be difficult so to manage as that, in case of a war, our people will be united, and their people divided. This will certainly be the case if we do nothing but what is just and right.

I have the honor to be, with great respect, &c.,
JOHN JAY.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, July 10, 1794.

SIR: You will receive, by this conveyance, a supplement to the cases of British spoliations, the very abridgment of which makes a large quarto volume in my office: and also duplicates of my letters of 27th, 28th, 29th May, and 8th June.

I have been endeavoring to obtain the particulars of the different instances of capture, covered, as the Americans say, by the armistice; but not being able to succeed, I have selected so much of Pagan's case, which you know was brought before the Supreme Court of the United States in another shape, as will give an idea of the general principle of these cases. Some proctor can easily procure full information of the several cases, if your success in the discussion of the principle should render it necessary.

It is an exceedingly happy circumstance for the peace of nations, that they are not obliged to credit the facts or reasoning of their Ministers abroad; that they can distinguish their zeal to seem watchful, their irascibility, and the errors into which they have fallen or have been misled, from a temper of hostility in the nation to which they are sent. How far this is fortunate for us, with respect to Great Britain, will be evinced from my correspondence with Mr. Hammond, upon the rule of twenty-four hours for the sailing of hostile vessels from our ports, and upon his list of charges against our fidelity to the obligation of neutrality. We have too much reason to fear, from the boldness with which he assumes facts to us, he will be less restrained in his declarations to the British Ministry. As often, therefore, as you shall be assailed by any strong intelligence, I must request you to keep off any conclusions from being made, until you shall have an opportunity of hearing from my office: for our unalterable desire of peace will not only quicken our communications to you, but authorize me to pronounce beforehand, that the Government can never be chargeable with any wilful breach of neutrality; and, indeed, notwithstanding Mr. Hammond's insinua-

tions, with any negligence in preserving it inviolate. The papers as to the Charles and Delight, will be a fresh testimony of this assertion.

I have the honor, sir, to be, &c.,
EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No. 6.

LONDON, July 12, 1794.

SIR: I had yesterday the honor of seeing Lord Grenville. He assured me that no unnecessary delays should retard a full discussion of the points in question; and observed that the new arrangement of the Ministry involved the necessity of time for their being all informed and consulted. In this assurance I have perfect confidence.

We had an informal conversation relative to Simcoe's hostile measure. We concurred in opinion that, during the present negotiation, and until the conclusion of it, all things ought to remain and be preserved in *statu quo*; that, therefore, both parties should continue to hold their possessions, and that all encroachments on either side should be done away; that all hostile measures (if any such should have taken place) shall cease; and that, in case it should unfortunately have happened that prisoners or property should have been taken, the prisoners shall be released, and the property restored. And we have agreed that both Governments shall immediately give orders and instructions accordingly.

This agreement appears to me so perfectly reasonable, and so conducive to the preservation of mutual confidence and good temper, that I flatter myself it will meet with the President's approbation; and I have given Lord Grenville explicit assurances (which he has reciprocated) that, on the part of the United States, it will be faithfully observed and fulfilled.

I have the honor to be, &c.,
JOHN JAY.

Mr. Jay to Mr. Randolph—No 7.

LONDON, July 16, 1794.

SIR: In my last letter, viz: of the 12th instant, I had the honor of stating to you, particularly, an agreement between Lord Grenville and myself, for preserving all things between the United States and our Canadian neighbors, in a peaceable state during the negotiation. Yesterday Lord Grenville read to me what he had written to Mr. Hammond on that subject; it exactly corresponded with what I had written to you in my letter of the 12th. His Lordship desired I would take charge of his letter, and give it a place among my despatches to you. I received it from him last night; it will be herewith enclosed. You will, I am persuaded, take particular care that it be delivered speedily and in good order. Correspondent letters and orders will doubtless be expedited directly to Lord Dorchester and Mr. Simcoe, by the first packet.

The arrival and obvious effects of such letters and orders cannot fail to have a favorable influence on the hostile Indians; as their expectations

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of aid abate and diminish, their disposition to peace will increase, and become operative.

It was not until the 14th instant that the Captain of the William Penn knew that there was a box on board directed to me; in the afternoon of that day I received it, and found your letters to me of the 27th and 28th May, and a note covering a list of the papers sent in the box. As yet I have not had leisure to compare the papers with the list. On opening one or two cases of spoliation, I find several papers not important for me to have; plain, concise statements are sufficient, and best for diplomatic purposes. I am glad that these cases are come: after making the necessary selections and statements, I will lay them before the Minister.

I have also had the pleasure of receiving your letters of the 29th May and 8th June. With the former was a list; but really, sir, I have not yet had time to compare the papers with the list, nor to prepare myself for writing to you on the subject of those letters at present.

I have the honor to be, &c.,

JOHN JAY.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, July 18, 1794.

SIR: The enclosed letter from Mr. Higginson, of the 18th ultimo, gives me reason to suppose that the opportunities from Barbadoes to London may not be sufficiently frequent for the conveyance of the documents which he is sent to collect. I have, therefore, the honor of enclosing to you the records of the brig Despatch, schooner Trial, schooner Hope, (Farley,) schooner Hope, (Felt,) schooner Resolution, brig Lady Washington, sloop Ranger, schooner Polly, and schooner Fox; and to be, with great respect and esteem, &c.,

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No. 8.

LONDON, July 30, 1794.

SIR: The great, and, I believe, unexpected events in Flanders, and the unusual number of interesting affairs which constantly demand the attention of the British Cabinet, keep their Ministers unceasingly employed, and is, doubtless, one reason why more time has not been allotted to our concerns. We are, nevertheless, beginning to do business apparently in good earnest. The Minister is (if I may say so) besieged by our British creditors. The subject of the debts is attended with difficulties. The Minister has been informed that the law in Virginia relative to the evidence of book debts has, since the war, been made more strict than it was before. If the law has been thus changed, and made to apply to pre-existing transactions, there is room for complaint. I wish to have exact information on this head.

I am to see Lord Grenville to-morrow at 11 o'clock, by appointment, on the business of spoliations and impressments, when I hope he will be prepared to say something decisive. I have laid before him several of the cases you sent me, and also, the statement by the captains of vessels taken

at Martinique. Of the facts mentioned in the latter, he had never received any information.

I know the impatience that must prevail in our country. At times, I find it difficult to repress my own impatience; but for all things there is a season. The importance of moderation and caution in the present moment is obvious, and will, it is to be hoped, continue to operate on the minds and conduct of our fellow-citizens. As yet, I do not apprehend that I have committed any mistakes in this business. I wish I may be able to say as much at the conclusion of it.

I have read your thirty odd papers to, and from, and respecting, Mr. Hammond and his complaints. You have, in my opinion, managed that matter well; continue, by all means, to be temperate, and put him in the wrong.

Let us hope for the best, and prepare for the worst. I confess I have hopes, but I also perceive circumstances and causes which may render them abortive.

This letter cannot be satisfactory; it amounts to little more than this: That nothing decisive has yet been done, and that I cannot tell you whether anything, and what, will be done. So is the case; and such will often be the case pending any negotiation, or any game connected with events not in our power to control. In both, chances frequently defeat skill, and as frequently give to skill unmerited reputation. For these things I must take my chance.

I have the honor to be, with great respect, &c.,

JOHN JAY.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, July 30, 1794.

SIR: I do myself the honor of enclosing to you a copy of my last letter to Mr. Hammond, together with the following duplicates, viz: May 27th, 28th, and 29th, June 8, July 5, with its enclosures.

The reports of a determination in the British to abet the Indians, grow daily more and more serious; and there is great reason to apprehend that British troops will be found mixed with the savages, who are prepared to meet Gen. Wayne.

The gazette of Mr. Bache, published on the 26th day of this month, will give you all the information which we have yet received of a very unfortunate tumult near Pittsburg. The President has not yet acted upon the subject, as authentic facts are not yet before him.

I have the honor to be, &c.,

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No. 9.

LONDON, July 31, 1794.

SIR: My letter of yesterday informed you that I should, this day, at 11 o'clock, see Lord Grenville on the subject of spoliations, &c. I have seen him accordingly. Having presented to him an official note on this object of my mission, it became the topic of our conversation. He promised to send me a written answer to-morrow, and I am induced to believe it will, in some re-

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spects, meet our wishes, but that it will not extend to immediate compensation by Government; and yet, that it will include eventual compensation in all cases where the ordinary course of appeals, &c., may not afford it. On receiving this answer I shall immediately write to you again, and enclose copies both of my note and of the answer to it.

I have the honor to be, &c.,

JOHN JAY.

P. S. I think our affairs here assume a more promising aspect.

Mr. Jay to Mr. Randolph—No. 10.

LONDON, August 2, 1794.

SIR: I had the honor of writing to you on the 31st ult. That letter was sent to Falmouth in hopes it would reach Dr. Edwards before he sailed from thence for Boston. He went from hence on Tuesday last. I now enclose a copy.

That letter mentioned my having presented an official representation to Lord Grenville on the subject of spoliations, &c., to which his Lordship had given me reason to expect an answer in a day or two. I have accordingly received it, and now take the first opportunity which has since offered, of transmitting to you (herewith enclosed) copies of them both.

The footing on which the answer places compensation by Government affords scope for delay. Much will depend on the good faith with which the business may be conducted. The present Administration does not appear to me to be hostile to us, but the contrary. As to Lord Grenville, it is doing him no more than justice to say, that, from the commencement of the negotiation, I have observed no change in his conduct, which has been uniform, candid, and conciliatory. From hence, however, no inferences are to be drawn, that, in my opinion, an ultimate settlement, satisfactory to either party, can or will take place. To such a settlement (speaking in general terms) I do believe that this country, as well as ours, is disposed, but there are real difficulties, as well as some prejudices, which stand in the way. I am not without hopes that such a settlement will be effected, but am not sanguine in my expectations; for, in all *accommodations*, there must be yieldings; and questions relative to the due degree and reciprocity of such yieldings, by one side or the other, may produce great, and, perhaps, insuperable obstacles.

It is very desirable that the negotiation may not suffer from useless and improper asperities of any kind, on either side; and that the conduct of our fellow-citizens may constantly harmonize with that of their Government—by wisdom and moderation, endeavoring to preserve and cultivate peace and friendship, and yet preparing to meet hostile events with composure, firmness, and vigor.

I have the honor to be, &c.,

JOHN JAY.

Mr. Jay's representation to Lord Grenville.

The undersigned, Envoy of the United States of America, has the honor of representing to the

Right Honorable Lord Grenville, His Britannic Majesty's Secretary of State for the Department of Foreign Affairs:

That a very considerable number of American vessels have been irregularly captured, and as improperly condemned by certain of His Majesty's officers and judges.

That, in various instances, these captures and condemnations were so conducted, and the captured placed under such unfavorable circumstances, as that, for want of the securities required, and other obstacles, no appeals were made in certain cases, nor any claims in others.

The undersigned presumes that these facts will appear from the documents which he has had the honor of submitting to his lordship's consideration; and that it will not be deemed necessary, at present, to particularize these cases, and their merits, or detail the circumstances which discriminate some from others.

That great and extensive injuries having thus, under cover of His Majesty's authority and commissions, been done to a numerous class of American merchants, the United States can, for reparation, have recourse only to the justice, authority, and interposition of His Majesty.

That the vessels and property, taken and condemned, have been chiefly sold, and the proceeds divided among a great number of persons, of whom some are dead, some unable to make retribution, and others, from frequent removals, and their particular circumstances, not easily reached by civil process.

That as, for these losses and injuries, adequate compensation, by means of judicial proceedings, has become impracticable, and considering the causes which combined to produce them, the United States confide in His Majesty's justice and magnanimity to cause such compensation to be made to these innocent sufferers as may be consistent with equity; and the undersigned flatters himself that such principles may, without difficulty, be adopted, as will serve as rules whereby to ascertain the cases, and the amount of compensation.

So grievous are the expenses and delays attending litigated suits, to persons whose fortunes have been so materially affected, and so great is the distance of Great Britain from America, that the undersigned thinks he ought to express his anxiety that a mode of proceeding as summary and little expensive may be devised as circumstances and the peculiar hardship of these cases may appear to permit and require.

And as (at least in some of these cases) it may be expedient and necessary, as well as just, that the sentences of the Courts of Vice Admiralty should be revised and corrected by the Court of Appeals here, the undersigned hopes it will appear reasonable to His Majesty to order that the captured in question (who have not already so done) be there admitted to enter both their *appeals* and their *claims*.

The undersigned also finds it to be his duty to represent that the irregularities before mentioned extended not only to the capture and condemna-

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tion of American vessels and property, and to unusual personal severities, but even to the imprisonment of American citizens to serve on board of armed vessels. He forbears to dwell on the *injuries* done to the unfortunate individuals, or on the *emotions* which they must naturally excite, either in the breast of the nation to whom they belong, or of the just and humane of every country. His reliance on the justice and benevolence of His Majesty leads him to indulge a pleasing expectation that orders will be given that Americans so circumstanced be immediately liberated, and that persons honored with His Majesty's commissions do in future abstain from similar violences.

It is with cordial satisfaction that the undersigned reflects on the impressions which such equitable and conciliatory measures would make on the minds of the United States, and how naturally they would inspire and cherish those sentiments and dispositions which never fail to preserve, as well as produce respect, esteem, and friendship.

JOHN JAY.

LONDON, July 30, 1794.

Lord Grenville's reply.

DOWNING STREET, Aug. 1, 1794.

The undersigned, Secretary of State, has had the honor to lay before the King the Ministerial note which he has received from Mr. Jay, Envoy Extraordinary and Minister Plenipotentiary from the United States of America, respecting the alleged irregularity of the capture and condemnation of several American vessels, and also respecting the circumstances of personal severity by which those proceedings are stated to have been accompanied in some particular instances.

The undersigned is authorized to assure Mr. Jay that it is His Majesty's wish that the most *complete and impartial justice* should be done to all the citizens of America who may in fact have been injured by any of the proceedings above mentioned. All experience shows that a naval war, extending over the four quarters of the globe, must unavoidably be productive of some inconveniences to the commerce of neutral nations, and that no care can prevent some irregularities in the course of those proceedings which are universally recognised as resulting from the just rights incident to all belligerent Powers. But the King will always be desirous that these inconveniences and irregularities should be as much limited as the nature of the case will admit, and that the fullest opportunity should be given to all to prefer their complaints, and to obtain redress and compensation where they are due.

In Mr. Jay's note, mention is made of several cases where the parties have hitherto omitted to prefer their claims, and of others where no appeals have been made from the sentences of condemnation pronounced in the first instance.

As to the cases of the *first* description, Lord Grenville apprehends that the regular course of law is still open to the claimants; and that, by preferring appeals to the Commissioners of Prize

Causes here, against the sentence of the Courts below, the whole merits of those cases may be brought forward, and the most complete justice obtained.

In the cases of the *second* description, the proceedings might, in some instances, be more difficult, from the lapse of time usually allotted for preferring appeals. But His Majesty being anxious that no temporary or local circumstances, such as those to which Mr. Jay refers to in his note, should impede the course of substantial justice, has been pleased to refer it to the proper officers, to consider of a mode of enlarging the time for receiving the appeals in those cases, in order to admit the claimants to bring their complaints before the regular Court appointed for that purpose.

The undersigned has no doubt that, in this manner, a very *considerable part* of the injuries alleged to have been suffered by the Americans may, if the complaints are well founded, be redressed in the usual course of judicial proceeding, at a very small expense to the parties, and without any other interposition of His Majesty's Government than is above stated. Until the result and effect of these proceedings shall be known, no *definitive* judgment can be formed respecting the nature and extent of those cases (if any such shall ultimately be found to exist) where it shall not have been practicable to obtain substantial redress in this mode. But he does not hesitate to say, beforehand, that, if cases shall then be found to exist to such an extent as properly to call for the interposition of Government, where, without the fault of the parties complaining, they shall be unable, from *whatever circumstances*, to procure such redress, in the ordinary course of law, as the justice of their cases may entitle them to expect, His Majesty will be anxious that *justice* should, at all events, be done, and will readily enter into the discussion of the *measures* to be adopted, and the *principles* to be established for that purpose.

With respect to all acts of personal severity and violence, as the King must entirely disapprove every such transaction, so His Majesty's Courts are always open for the punishment of offences of this nature; and for giving redress to the sufferers in every case where the fact can be established by satisfactory proof; nor does it appear that any case of that nature can exist where there would be the smallest difficulty of obtaining, in that mode, substantial and exemplary justice.

On the subject of *impress*, Lord Grenville has only to assure Mr. Jay that, if, in any instance, American seamen have been impressed into the King's service, it has been *contrary* to the King's desire; though such cases may have occasionally arisen from the difficulty of discriminating between British and American seamen, especially where there so often exists an interest and intention to deceive. Whenever any representation has been made to Lord Grenville on this subject, he has never failed to receive His Majesty's commands for putting it in a proper course, in order that the facts might be inquired into and ascertained; and to the intent that the persons in ques-

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tion might be released, if the facts appeared to be satisfactorily established.

With respect to the desire expressed by Mr. Jay that new orders might be given with a view to prevent, as far as it is possible, the giving any just ground of complaint on this head, Lord Grenville has no reason to doubt that His Majesty's intentions respecting this point are already sufficiently understood by His Majesty's officers employed on that service; but he has, nevertheless, obtained His Majesty's permission to assure Mr. Jay that instructions to the effect desired will be renewed, in consequence of his application.

The undersigned avails himself, with pleasure, of this opportunity to renew to Mr. Jay his assurances of his sincere esteem and consideration.

GRENVILLE.

Mr. Jay to Mr. Randolph.—No. 11.

LONDON, August 8, 1794.

SIR: I refer you to my letter No. 10, and its enclosures, by Captain Coit, via New York, of which duplicates are also sent by the William Penn.

Having understood that one of our Indianmen had been captured and sent to Halifax, I mentioned it to Lord Grenville. He readily promised to write by the packet, and direct the attention of the Government there to that object, so that nothing improper may take place. My present prospects are not discouraging. I expect to be able, in about a fortnight, to give you some interesting details; and I *hope* some of them will be *agreeable*, but of this I cannot be *certain*.

I have the honor to be, &c.,

JOHN JAY.

P. S. The Pigou is arrived. I have not yet seen the Captain; he probably has letters for me.

Mr. Jay to Mr. Randolph.—No. 12.

LONDON, August 9, 1794.

SIR: Last evening I received from Lord Grenville an Order of the King and Council, dated the 6th instant, relative to appeals from sentences of condemnation passed against American vessels. The enclosed is a copy of it. I have employed Sir William Scott and Dr. Nicholl in behalf of our appeals and claims.

The letter which (from that by Mr. Fisher) I find you have written me by the Pigou, has not yet reached me.

I have the honor to be, &c.,

JOHN JAY.

AT THE COURT OF ST. JAMES'S,

August 6, 1794.

Present: The King's Most Excellent Majesty in Council.

Whereas, in many of His Majesty's Vice Admiralty Courts in the West Indies, sentences of condemnation have passed against ships and goods belonging to the subjects of the United States of America; and whereas, from ignorance of the

rules respecting the time of appealing, or from inability to find the security required, or from other just and reasonable impediments, the claimants have been prevented from duly entering and prosecuting their appeals from the said sentences; and whereas it hath been represented to His Majesty, on their behalf, that they are desirous of entering and prosecuting the same: His Majesty is thereupon pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that the said parties shall be admitted to their respective appeals, notwithstanding the ordinary times for entering and prosecuting the same may have elapsed; provided the same are entered and prosecuted in a reasonable time, to be approved of by the Lords Commissioners of Appeals in Prize Causes.

STEPHEN COTTRELL.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, August 11, 1794.

SIR: Having regularly transmitted to you copies of my late correspondence with Mr. Hammond, in relation to Lord Dorchester's speech, Governor Simcoe's invasion, and his own criminalations of the United States, I now do myself the honor of adding his concluding letter of July 30, 1794. If he wishes any new evidence of our unchangeable neutrality, he may be told, and the British Ministry likewise, that the militia of Richmond, in Virginia, actually marched, at a moment's warning, between seventy and eighty miles, to seize a vessel supposed to be under preparation as a French privateer. Resistance was at first apprehended; but it was overawed, and the business completely effected.

The discontents, evasions, and occasional oppositions, which have been manifested against the excise in the counties of Pennsylvania westward of the Alleghany mountain, have at length assumed a menacing and formidable air. The enclosed paper contains the President's proclamation, which is a summary of facts, except that Neville's house and out-houses were destroyed by fire. Commissioners are gone upon the ground, and particularly to be present at a great meeting on the 14th instant. Upwards of twelve thousand militia are ordered to hold themselves in readiness; and if the errand of the Commissioners should be unavailing, the militia will, I believe, be commanded to proceed. The experiment upon their temper is untried. The Governor of Pennsylvania is against the calling forth of the militia until more formal legal measures are pursued. He, too, has sent two Commissioners on the part of the State, and has called the Assembly for the first of September ensuing. But he has expressed his persuasion that a sufficiency of militia of the State cannot be prevailed on to move forward. Hence proportions of the number required will be procured from Virginia, Maryland, and Jersey, as well as Pennsylvania. The temper of the militia is not yet developed; some, however, vibrate between hatred of the excise and horror of these unauthorized violences. At present it can only be said,

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that, if an accommodation does not take place, a new era will immediately spring up in our Government.

The letter from Clerke and Bentalou, of Baltimore, the papers of the snow Sukey, ship Charlotte, sloop Sally, schooner Fame, brig David and George, schooner Friendship, and schooner Sarah, brig Union, Captain Cottle, and brig Dolphin, Captain Knapp, are additions to the cases of spoiliations, and now sent.

I have the honor to be sir, &c.,

EDMUND RANDOLPH.

P. S. I ought to have mentioned the death of Mr. N. C. Higginson, who was sent to the West Indies to collect documents. This may occasion some delay and disappointment in the transmission of them to London. The spoiliations are unavoidably detained for another conveyance.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, August 15, 1794.

SIR: Mr. James King, the owner of the schooner Nancy, the papers in whose case have been forwarded, as far as they were received, has this moment laid before me a copy of the record. From the whole proceedings, it appears that she was acquitted at Nassau upon the payment of costs, and that the captors have appealed. As this vessel and her cargo come within the catalogue of spoiliations, I have to request that they may be protected by your attention, and that you will give directions for the employment of counsel in behalf of the United States, unless some adjustment which you may make with the British Ministry, on general grounds, shall supersede the necessity of such a step.

I have the honor, sir, to be, &c.,

EDMUND RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, August 18, 1794.

SIR: I had the honor of receiving, on the 16th instant, your first letter of the 23d of June, from London, and, on the 17th instant, your first letter of the 9th of June, from Falmouth. Both of them came by the Active, Captain Blair, but the latter was brought, more expeditiously, by Mr. Francis, than the former, which was delivered out with the other letters in the bag of the ship.

It has given great pleasure to the President to hear of your safe and speedy arrival, and of the style of your reception by the Minister. You know the temper and conduct of the President so thoroughly, that I need not assure you of the impartiality which he continues to preserve towards all nations: and yet the irritation from the British quarter has been exceedingly aggravated. I pass over Lord Dorchester's speech, which, notwithstanding the half disavowal of it in the British Houses of Lords and Commons, on the 26th of May last, is believed by everybody here to be genuine, and is argued upon, as you will perceive, in Mr. Hammond's two letters to me, of the 22d May and 7th June, as if it were rather genuine

than otherwise. But Governor Simcoe's invasion of the Rapids of the Miami, comes confirmed to us from every source, except Mr. Hammond, who has had near three months for ascertaining the fact, and whose silence during that time, after his promise to inform us of the truth, is the highest presumption of the act of hostility. So, too, the enclosed copies, from the War Office, prove that the British were associated with the Indians in the affair of Fort Recovery, on the 30th of June. We cannot add, upon proof, that British influence has been tampering with the people of Kentucky, and of the neighborhood of Pittsburg, to seduce them from the United States, or to encourage them in a revolt against the General Government; it has, however, been boasted of by them, and an expectation of such support is suspected to have been excited in the breasts of some.

The impression of our Commissioners, and those of the State of Pennsylvania, upon the insurgents near Pittsburg, cannot be yet known, and we can transmit to you no other indications of the issue of this commotion than what may be drawn from my letter of the 11th of August.

The enclosed copy of Mr. Hammond's letter of the 14th of August, with its enclosure, will be justly appreciated, when you advert to those of my former letters which speak of his facility of complaining. But we shall again demonstrate the promptness with which we exert ourselves to redress his grievances, real or supposed, as an injunction will be immediately despatched to the several Governors to grant to the British ships the most complete hospitality consistent with our stipulations to other nations. The particular case to which he alludes will be consigned to the special attention of the Governor of Delaware.

The letters which I have written to you, since your departure, are of the following dates: May 27, 28, 29; June 8, 9; July 9, 10, 18, 30; August 11. I now enclose duplicates of the four last mentioned, together with sundry other papers, agreeably to the enclosed list; duplicates of all the others having been formerly sent.

I have the honor to be, &c.

EDMUND RANDOLPH.

Mr. Jay to Mr. Randolph—No. 13.

LONDON, August 21, 1794.

SIR: I have received the letter you did me the honor to write on the 9th June, enclosing the case of the snow Sukey, and of the brigantine Maria. That letter begins thus: "Since writing of my letter yesterday, I have received," &c. That letter has never come to my hands.

A few days ago I was favored with yours of the 9th July, on the subject of the American vessel carried into Bermuda, and on board of which a large quantity of powder was found, and enclosing copies of several letters relative to it. That letter appeared to me to be well calculated to manifest the sincerity of the Government, and evidently shows a disposition rather to invite than to evade an investigation into every transaction that afforded color for complaint. I therefore thought it ex-

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pedient to communicate it, and all the papers which accompanied it, to the Minister, without diminution.

Since my last, nothing new has occurred. We are endeavoring to digest and mature a final settlement; whether we shall be able to agree is uncertain; I have hopes as well as apprehensions. I think our next conference will produce something decisive, at least on some of the great points. If so, you shall be immediately informed of it.

Considering how many urgent affairs, which cannot be postponed, daily call for the Minister's orders, we cannot expect that ours should proceed without some occasional delays. As yet, I have no reason to believe that any of them have been avoidable.

Sir William Scott, the King's Advocate, who is retained for us, is, at my request, preparing instructions for our people how have claims or appeals to bring forward. When finished, they shall be sent to you. I really do believe that this business will be conducted and concluded with good faith. At Martinico there was no legal Court of Vice Admiralty; consequently, the condemnations there are nugatory, and original claims may be entered and prosecuted here.

I have the honor to be, &c.,

JOHN JAY.

Mr. Jay to Mr. Randolph—No. 14.

LONDON, August 23, 1794.

SIR: When you shall have received my letter enclosing copies of my representation to Lord Grenville, on the subject of captures, and of his answer, and a subsequent letter enclosing a copy of the Order of Council respecting appeals and claims, you will perceive that they who wish to prosecute either, should, without delay, appoint agents here to manage their business, and to whom I may deliver such papers in my possession as relate to those cases of capture which may be committed to their care and direction.

I am inclined to think that the Order of Council alone will not be satisfactory to the claimants; and, therefore, that the representation, and the answer to it, and, perhaps, my letter No. 10, of the 2d August, covering them, should be published at large. But of this, the President and you, who are on the spot, will be better able to judge than I can be.

I heard yesterday that Mr. Monroe had arrived at Paris. Be so good as to inform me, from time to time, which of my letters and also the duplicates (for, of some, duplicates have been sent) come to your hands.

I have the honor to be, &c.,

JOHN JAY.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, Aug. 30, 1794, 1 o'clock.

SIR: The treatment which American vessels have experienced from the warring Powers causes a general concealment of their departure, so that I am frequently obliged to snatch an opportunity

at a moment's warning. This is the case at present. Having just heard of a vessel ready to sail from New York, I shall despatch an express at two o'clock, P. M., which I hope will reach her.

Last night we received from Captain Williamson, living at Sodus, in Ontario county, in the State of New York, the enclosed letter, containing the most unwarrantable and insolent demand from Governor Simcoe, through Lieutenant Sheaff, that he should desist from the prosecution of his settlement there. The original, now in my office, may be proceeded on as authentic. Sodus is probably well known to you. If it be not, I add the only information which I can obtain of its position; that it lies between Oswego, on Lake Ontario, and Niagara, about twenty-five miles from the former, and nearly three times that distance from the latter. What might we not be justified in saying or doing on this new aggression? Mr. Hammond has promised to procure the truth of the report as to Governor Simcoe's seizure of the Rapids of the Miami; but, with a full scope of time, he remains silent, while it is firmly believed that British troops were associated with the Indians in the late attack on Fort Recovery; and it is certain that the British Governor of Upper Canada threatens us if we clear our own lands and build houses to shelter our laborers. The admonition, sir, which your letter of June 23d gives, to prevent the arrival of any irritating intelligence in London, is but a comment upon the unvaried policy of the President, and of every member of the Administration. This is evidenced by the step on which the President has now resolved, which is, to transmit copies of the papers to Mr. Hammond, now at New York, (where he has been for a considerable time, and whither he went, after an intermission of visits to the President for more than two months, without taking leave of him, further than his notification to me might be considered as such,) to afford to him an occasion to explain this procedure away, or, or if he should perchance have power, to check it; to inform Captain Williamson that he is right in his determination to push on his settlement, and that the owner of lands may repel force brought by an invader; and to offer to the Governor of New York, on loan, arms for the purposes of defence. My letter to Mr. Hammond cannot be prepared early enough for the express; but it will not be required as in any manner immediately useful to you, since the outrage of the principle asserted in Governor Simcoe's challenge will instantaneously occur to you; and compared with similar acts on the part of the British will establish our love of peace in triumph over the calumnies which British agents, indisposed to us from interest or other motives, may propagate on the other side of the Atlantic.

My late letters have announced to you the insurrection at Pittsburg, and with the gazettes which have been forwarded gave you the real state of the business up to the 17th instant. At that time, the Commissioners wrote that nothing but the physical force of the nation could subdue it. The President, in consequence of this declaration, arranged the march of the militia. But

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you will perceive how the gloom of bloodshed is brightened by their letters of the 21st and 22d instants, with their enclosures, copies of which I have now the pleasure of transmitting to you. We may count upon an express from Pittsburg in the course of this day, which will enable us to judge whether any difficulty can have arisen in the detail spoken of. But I flatter myself that this event will close with a return of harmony; will demonstrate the horror of our citizens at an opposition to laws; will prove that the Government can protect itself against insult and rebellion, and will be an era of stability in our affairs. While I wish that the rashness and delusion of some, and the deliberate wickedness of others, had not plunged us into such dangers, I must confess my belief that the catastrophe will show that there is a point—the point of actual opposition to Government—concerning which the desperate may prate with indifference, but at which the very great majority of our citizens shudder.

By the present conveyance, I repeat some of my former letters, with various enclosures. The newspapers are also sent.

I have the honor, sir, to be, &c.,

EDMUND RANDOLPH.

Shall I beg the favor of you to show this letter to Mr. Pinckney, to whom I cannot in my hurry write at this moment.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, Sept. 5, 1794.

SIR: I write only to enclose to you copies of the papers respecting the commotion at Pittsburg, and of my letter to Mr. Hammond on the 1st instant, and his answer to me on the 3d, concerning the settlement at Greatodus.

We have reason to expect the conclusion of the insurrection without bloodshed, but we are hourly looking for more particular intelligence of the proceedings at Redstone on the 25th ultimo. These will be indicative of the final issue.

I have the honor to be, &c.,

EDMUND RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, Sept. 12, 1794.

SIR: It is said that a vessel will sail from hence on Sunday next for Liverpool, and I cannot lose this chance of conveying to you the acknowledgment of your letters of the 26th June, and duplicate of June 23, and the real state of the insurrection at Pittsburg at this moment.

The gazettes sent by a former opportunity, together with those now enclosed, will inform you of the facts. To guide you more certainly, I will refer to the following dates of Dunlap's paper: For the President's Proclamation, see the paper of the 8th August; for the statement of the Secretary of the Treasury, see 21st August; for the proceedings at Parkinson's Ferry, and with the first committee, see Bache's paper of the 6th September; for the proceedings at Redstone, and with the new committee, see the paper of this day.

Yesterday the votes of the people were to be taken on the question of resistance or submission. Mr. Bradford, the Attorney General of the United States, came to town last evening, having left his colleague (Mr. Ross) to be present at Uniontown, in Fayette county, on the 16th, when the report of those votes is to be made to him.

Mr. Bradford is of opinion that the county of Alleghany will be nearly, if not wholly, unanimous for submission; that Fayette county will approach considerably to unanimity; that Westmoreland is very doubtful; and that Washington will probably hold out.

What can be the hopes of the insurgents, with all the men of influence and property residing in those counties against them—without money, without discipline, with no distinguished skill in the use of fire-arms; with no disposition to pay taxes; with no communication with the sea; with no markets for their produce, except in the Atlantic States; with a feeble population; with the certainty of punishment before them, or the necessity of flight from their possessions; without ammunition, and even arms? Mr. Bradford thinks that scarce five hundred will take the field.

Nor can the insurgents expect anything from the sympathy of other States. On the contrary, they have everything to dread. Virginia will readily produce her quota of the fifteen thousand demanded. Her inhabitants are steadfast in their abhorrence of the insurrection, and her Governor (Henry Lee) will have the command. General Morgan is in motion also. Maryland, notwithstanding the defects in her militia laws, will act very satisfactorily. New Jersey, probably headed by her Governor, will exhibit a most heroic example. Pennsylvania, which has been supposed to be reluctant, will furnish in volunteers what the incompetency of her militia laws would not yield. The speech of Governor Mifflin to the Assembly, and to the officers, the answers of the State Senate and House of Representatives, breathe a spirit determined to subdue the commotion. It has been even proposed (and the proposal seems likely to be successful) that the lawyers of this city should imbody themselves and march. You may therefore, sir, with safety pronounce, that, howsoever painful the appeal may be to arms; howsoever active the insurgents may have been in endeavoring to obtain proselytes; howsoever inconvenient the long distance to the principal scene may be—Government has not the most remote apprehension of difficulty in quelling the infatuation. Your negotiation cannot, I hope, be embarrassed by any appearance which this affair may have assumed: if it has been perplexed by it, you may truly affirm that, instead of shaking, it will terminate in the manifestation of the love of the people for the Government of the United States, and their zealous guardianship of it.

My pen is wearied by ineffectual remonstrances to Mr. Hammond on Governor Simcoe's perpetual encroachments, threats, and indeed hostilities. In support of my letter to him on the 2d instant, the enclosed affidavit of John Kelly presents a most savage fact. Be assured that I shall rejoice in your

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honor in happily closing this and every other branch of your functions. If, however, Lord Dorchester and Governor Simcoe are to continue uncontrolled in their course, what consequences may not be feared?

The copies of two other letters from myself to Mr. Hammond, of the 22d and 27th August, and of an extract from his reply on the 3d instant, will prove how we are harassed by their conduct respecting American seamen. So too will Governor Gelston's letter of the 8th instant, Governor Clinton's of the 9th, and the affidavits of Lloyd Daubeny and John R. Livingston, show what unjust and oppressive captures continue to be made of our property by British cruisers on our very coasts.

I have the honor to be, &c.

EDMUND RANDOLPH.

Mr. Jay to Mr. Randolph—No. 15.

LONDON, September 13, 1794.

SIR: Hitherto my letters have communicated to you but little information of much importance, except on one point. Although all the general objects of my mission were opened at once, and were received with every indication of the same candor and disposition to agreement with which they were stated, yet the nature of the business turned the immediate and more particular attention of both parties to the affair of the captures. The result has been communicated to you.

A number of informal conversations on the other points then took place, and every difficulty which attended them came into view, and was discussed with great fairness and temper. The inquiry naturally led to the fact which constituted the first violation of the Treaty of Peace. The carrying away of the negroes, contrary to the 7th article of the Treaty of Peace, was insisted upon as being the first aggression. To this it was answered, in substance, that Great Britain understood the stipulation contained in that article, in the obvious sense of the words which expressed it, viz: as an engagement not to cause any destruction, nor to carry away any negroes or other property of the American inhabitants, or, in other words, that the evacuation should be made without depredation; that no alteration in the actual state of property was operated or intended by that article; that every slave, like every horse, which escaped or strayed from within the American lines, and came into the possession of the British army, became, by the laws and rights of war, British property; and, therefore, ceasing to be American property, the importation thereof was not inhibited by the stipulation in question; that, to extend it to the negroes, who, under the faith of proclamations, had come into them, of whom they thereby acquired the property, and to whom, according to promise, liberty had been given, was to give to the article a greater latitude than the terms of it would warrant, and was also unnecessarily to give it a construction which (being odious) could not be supported by the known and established rules for construing Treaties. To this was replied the several remarks and considerations which are mentioned at large in a report which

I once made to Congress on this subject, and which, for that reason, it would be useless here to repeat: on this point we could not agree.

I then brought into view another circumstance, as affording a just cause of complaint, antecedent to any of those urged against us, viz: that, from the documents recited and stated in Mr. Jefferson's letter to Mr. Hammond, it appears that the posts were not only not evacuated within the reasonable time stipulated by Treaty, but also that no orders for the purpose had, at least within that time, if ever, been given.

To this it was answered, that the provisional articles were signed at Paris on the 30th November, 1782; that those articles were to constitute the Treaty of Peace proposed to be concluded between Great Britain and the United States, but which Treaty was not to be concluded till terms of peace should be agreed upon between Great Britain and France; that the Treaty of Peace was not concluded until the 3d September, 1783; that it was not ratified in America until the 14th January, 1784; and that the ratification was not received in London until the 28th May, 1784, nor exchanged until the end of that month; that, according to the Laws of Nations, Treaties do not oblige the parties to begin to execute the engagements contained in them until they have received their whole form—that is, until they shall have been ratified by the respective Sovereigns that are parties to them, and until after those ratifications shall have been exchanged; that, therefore, it was not until the end of May, 1784, that Great Britain was bound to give any orders to evacuate the posts; that such orders could not arrive at Quebec until in July, 1784, and consequently that the allegations of a breach of the Treaty by the non-execution of the article respecting the posts, grounded on circumstances prior to the 13th July, 1784, are evidently unfounded; that, in the interval between the arrival and publication in America of the provisional articles and the month of July, 1784, by which time, at soonest, orders issued after the exchange of the ratifications of the Treaty of Peace (the last of May) could reach Quebec, incontestible violations of the Treaty had taken place in the United States; that reason and the practice of nations warrant, during a suspension of hostilities, only such measures as result from a continuance of the *status quo*, until the final exchange of ratifications; that, in opposition to this, new Legislative acts had, in the interval before mentioned, been passed, which were evidently calculated to be beforehand with the Treaty, and to prevent its having its full and fair operation on certain points and objects when it should be ratified and take effect; that these acts were the first violations of the Treaty, and justified Great Britain in detaining the posts until the injuries caused by their operation should be compensated.

That Britain was not bound to evacuate the posts, nor to give any orders for the purpose, until after the exchange of the ratifications, does appear to me to be a position that cannot be reasonably disputed.

That certain Legislative acts did pass in the United States, in the interval aforesaid, which

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were inconsistent with the Treaty of Peace, is equally certain; but it does not thence necessarily follow that those acts were without justice even as relative to the Treaty; for precedent violations on the part of Great Britain would justify subsequent retaliation on the part of the United States. Here again the affair of the negroes emerged, and was insisted upon, and was answered as before. I confess, however, that his construction of that article has made an impression upon my mind, and induced me to suspect that my further opinion on that head may not be well founded.

Thus, it became evident that admissions of infractions of the Treaty of Peace, and that this or that party committed the first aggression, were not to be expected, and that such discussions would never produce a settlement.

It then became advisable to quit those topics, and to try to agree on such a set of reciprocal concessions as (balancing each other) might afford articles for a Treaty, so beneficial to both parties as to induce them to bury in it all former questions and disputes. This idea gave occasion to a variety of propositions of different kinds, which it would be tedious and useless to enumerate, and of which you will readily conceive there were some that could not meet with mutual approbation. Among those which were mentioned, was one for altering essentially our boundaries in the Northwest corner of the United States. This I regarded as inadmissible, and hoped would not be persisted in. One for doing us complete justice respecting the captures; one for partially opening to us a trade with the West India Islands; one for our paying the damages sustained by British creditors, by lawful impediments: this was strongly insisted on. I did not think it utterly inadmissible, in case we received proper justice and privileges under other articles; for then, in my judgment, it would not be advisable to part and separate on that point, and various reasons convinced me it would be adhered to. One for putting the ships and merchants of both parties on an equal footing. In short, in order to bring the whole subject comprehensively into view, nothing that occurred was omitted to be mentioned. These were free conversations, neither of us considering the other as being committed by anything that was said or proposed.

It was necessary then to select points for mutual consideration, and quitting desultory discussions, to fix our attention on certain propositions—each being at liberty to propose what he pleased, and again to retract his proposition, if, on mature reflection, he should be so inclined. With this view, after returning home, I selected the following, and having reduced them to writing, sent them to Lord Grenville for his consideration; in the meantime, employing myself in reflecting and endeavoring to decide in my own mind how far, and with what modifications or omissions, it would be proper to adopt them:

"August 6, 1794.

"Mr. Jay presents his compliments to Lord Grenville, and encloses some outlines for a Convention and Treaty of Commerce. Some of them

appear to him questionable. More mature reflection, and the light which usually springs from mutual discussions, may occasion alterations. Many of the common articles are omitted, and will be inserted of course. It is very desirable that it may be concluded in season to arrive about the 1st of November."

"Right Honorable Lord GRENVILLE," &c.

The paper that was enclosed is in these words, viz:

"Whereas between His Majesty the King of Great Britain and the United States of America there do exist mutual complaints, and consequent claims, originating as well in certain articles of their Treaty of Peace as in the Law of Nations relative to the respective rights of belligerent and neutral nations:

And whereas both the said parties being sincerely desirous to establish permanent peace and friendship by a Convention that may be satisfactory and reciprocally advantageous, have respectively empowered their undersigned Ministers to treat of and conclude the same:

And whereas the said Ministers find it impossible to admit the said mutual complaints and claims of the first description to be well founded, in their existing extent; and to the end that the obstacles to concord and agreement which thence arise may be done away, they have agreed that all the said complaints and claims shall be forever merged and sunk in the following articles, viz:

The boundaries of the United States, as delineated in the said Treaty of Peace, and every article in the said Treaty contained, are hereby recognised, ratified and forever confirmed; but, inasmuch as the parties differ as to which is the river intended by the Treaty, and therein called the river St. Croix, it is agreed that the said question shall be referred to the final decision of — Commissioners, to be appointed and empowered as follows, viz.

Whereas it is doubtful whether the river Mississippi extends so far to the Northward as to be intersected by the West line from the Lake of the Woods, which is mentioned in the said Treaty, it is agreed that the actual extent of the said river to the Northward shall be explored and ascertained by Commissioners for that purpose, to be appointed and authorized as follows, viz.

It is agreed that if, from the report of the said Commissioners, it shall appear that the said river does not extend so far to the Northward as to be intersected by the West line aforesaid, by reason whereof the boundary lines of the United States in that quarter would not close, then, and forthwith thereupon, such a closing line shall be established as shall be adjudged and determined to be most consistent with the true intent and meaning of the said Treaty by — Commissioners, to be appointed and authorized in the manner prescribed in the article relative to those who are to decide which is the river St. Croix, intended by the said Treaty, with these differences only, viz.

"It is agreed that His Majesty shall withdraw all his troops and garrisons from every post and place within the limits of the United States by the

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1st day of June next, and that all settlers and traders within the precincts or commands of the said posts and garrisons shall continue to have and enjoy, unmolested, all their property of every kind, and shall be protected therein; and may either remain and become citizens of the United States, or may sell their land or other property, and remove, with their effects, at any time within two years from the 1st day of June next.

It is agreed that His Majesty will cause full and complete satisfaction and compensation to be made for all vessels and property of American citizens which have been, or during the course of the present war shall be, illegally captured and condemned under color of authority and commissions derived from him; and that, in all cases where it shall be apparent full justice and compensation cannot be obtained and actually had, in the ordinary course of Judicial proceedings; and for this purpose — Commissioners shall be appointed and empowered in manner following, viz.

And whereas debts *bona fide* contracted before the peace, and remaining unpaid by American debtors to British creditors have probably in some instances been prejudiced and rendered more precarious by the lawful impediments which, after the peace, did for some time exist to their being prosecuted and recovered, it is agreed that, in all cases where it shall be apparent that the said creditors, by the operation of the said impediments on the security and value of their debts, have sustained damage, for which adequate reparation cannot now be obtained and actually had in the ordinary course of Judicial proceedings, (it being understood that in these damages interest shall be included only in cases where, according to equity and good conscience, all things being considered, it ought to be allowed and paid,) the United States will make full and complete satisfaction and compensation to the said creditors for the same; and for this purpose Commissioners shall be appointed and authorized in the manner prescribed in the preceding article, with these differences only, viz.

It is agreed that it shall and may be lawful for the said United States and their citizens to carry, in their own vessels, of the burden of 100 tons, or under, from the said United States, any goods, wares, and merchandises, which British vessels now carry from the United States, to any of His Majesty's islands and ports in the West Indies; and shall pay in the said islands and ports only such rates of tonnage as British vessels do, or shall be liable to, pay in the United States; and only such other charges, imposts, and duties, as British vessels and cargoes laden in, and arriving from, the United States, now are, or hereafter shall be, lawfully liable to in the said islands and ports; and that it shall and may be lawful for the said American vessels to purchase, lade, and carry away, from the said islands and ports, all such of the productions and manufactures of the said islands as they may think proper, and paying only such duties and charges on exportation as such vessels and cargoes, if British, would be liable to: *Provided always*, That they carry and land the same in the United States, and at no place whatever out of the same; it be-

ing expressly agreed and declared, that West India productions or manufactures shall not be transported in American vessels, either from His Majesty's said islands, or from the United States, to any part of the world except the United States, reasonable sea stores excepted, and excepting, also, rum made in the United States from West India molasses.

It is agreed that all the other ports and territories of His Majesty, whatsoever and wheresoever, (not comprehended within the limits of his chartered trading companies,) shall be free and open to the citizens of the United States, and that they, and their vessels and cargoes, shall therein enjoy all the commercial rights, and pay only the same duties and charges, either on importation or exportation, as if they were British merchants' vessels and cargoes, except that they shall pay the same rate of tonnage as may be charged on British vessels in the United States. And, on the other hand, it is agreed that all the ports and territories of the United States, without exception, shall be free and open to British merchants and subjects, and that they, and their vessels and cargoes, shall therein enjoy all the commercial rights, and pay only the same duties and charges, as if they were American merchants' vessels and cargoes; it being the intention of this article that, in His Majesty's territories (except as before excepted) American merchants and merchant vessels shall be exactly on the same footing with British merchants and merchant vessels, and that British merchants and merchant vessels shall, in all the territories of the United States, be exactly on the same footing with American merchants and merchant vessels, tonnage only excepted.

The trade between the United States and the British West Indies shall be considered as regulated and explained by the preceding article, and therefore as being excluded from the operation of the following articles:

It is agreed that all the productions and manufactures of His Majesty's dominions in any part of the world may freely be imported in British or American vessels into the United States, subject equally and alike to the duties on importation which may there be established; and that all the productions and manufactures of the United States may be freely imported in American or British vessels into any of the said dominions of His Majesty, subject equally to the duties on importation which may there be established.

And to the end that these duties may be made reciprocal, it is agreed that additional articles for that purpose shall be negotiated and added to this Convention as soon as may be conveniently done.

It is agreed that when Great Britain is at war and the United States neutral, no prizes taken from, or by Great Britain, shall be sold in the United States; and that, when the United States are at war and Great Britain neutral, no prizes taken from, or by the United States, shall be sold in His Majesty's dominions.

It is agreed that, if it should unfortunately happen that Great Britain and the United States

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should be at war, there shall be no privateers commissioned by them against each other, and that the merchants and others residing in each other's countries shall be allowed nine months to retire with their effects, and shall not be liable to capture on their way home to their respective countries.

It is agreed that British subjects who now hold lands in the United States, and American citizens who now hold land in His Majesty's dominions, shall continue to hold them according to the nature and tenure of their estates and titles therein, and may grant, and sell, and devise the same, as, and to whom they please, in like manner as if they were natives; and that neither they, nor their heirs or assigns, shall, so far as may respect the said lands, and the legal remedies incident thereto, be regarded as aliens.

It is agreed that neither debts due from individuals of the one nation to individuals of the other, nor shares or moneys which they may have in the funds, or in the public or private banks, shall ever, in any event of war or national differences, be sequestered or confiscated; except that, in case of war, and only during its continuance, payment may be suspended, it being both unjust and impolitic that debts and engagements contracted and made by individuals, having confidence in each other, and in their respective Governments, should ever be destroyed or impaired by national authority, on account of national differences and discontents."

From the 6th to the 30th of August nothing of importance occurred.

On the 30th day of August Lord Grenville wrote me a letter, and enclosed two draughts or projects of Treaties. The letter is in these words, viz:

AUGUST 30, 1794.

SIR: I have now the honor to transmit to you two projects, the one for regulating all points in dispute between His Majesty and the United States, the other for the establishment of commercial regulations. You will perceive that I have proceeded in forming these projects on the foundation of the paper you communicated to me, but that I have occasionally made such variations as seemed to me to be just and expedient. I have thought that some time might be saved by communicating them to you in this manner. Whenever you shall have sufficiently considered them to be enabled to converse, either on the whole, or on any distinct branches of so extensive a subject, I shall be very much at your order, having very sincerely at heart the speedy and favorable conclusion of our negotiation.

It would have been more satisfactory to me if I had found it practicable to send you these projects sooner; but you will, I am sure, be sensible of the circumstances which must, at this juncture, have interfered with the preparation of an arrangement intended to comprehend so extensive a subject, and to lay the foundation of lasting harmony and friendship between our two countries. Even in the state in which I now send you

these papers, I am apprehensive that some verbal corrections may occur as necessary to give full effect to the objects intended to be provided for, supposing those objects to be mutually consented to; and I think there are one or two points, on which we have occasionally touched in our conversations, for which no provision is made in these projects. But I have preferred making the communication in its present shape rather than that any further delay should be created, and I trust, with real confidence, to your candor, respecting such further suggestions as I may occasionally see ground to state to you.

I have the honor to be, &c.,

GRENVILLE.

The Hon. Mr. JAY, &c.

The draughts, or projects, are as follows, viz: First, the preamble.

ARTICLE 1. It is agreed that His Majesty will withdraw all his troops and garrisons from the posts within the boundary line assigned by the Treaty of Peace to the United States. This evacuation shall take place on or before the first of June, 1796, and all the proper measures shall, in the interval, be taken by concert between His Majesty's Governor General in America, and the Government of the United States, for settling the previous arrangements which may be necessary respecting the delivery of the said posts. All settlers and traders within the precincts or jurisdiction of the said posts shall continue to have and to enjoy, unmolested, all their property of every kind, and shall be protected therein so long as they shall think proper to remain there, and shall be at full liberty to remove at such times as they shall think proper, and to sell their lands, houses, or effects, or to retain the property thereof.

It shall at all times be free to His Majesty's subjects, and to the Indians who are to the southward and westward of the Lakes, to pass and repass with their goods and merchandises, and to carry on their commerce within and without the jurisdiction of the said posts, in the manner hitherto accustomed, and without any hindrance or molestation from the officers or citizens of the United States. The several waters, carrying places, and roads, adjacent to the Lakes, or communicating with them, shall continue to be free and open to His Majesty's subjects, and to the Indians, for that purpose; and no impediment or obstacle shall be given to the passage of goods or merchandise of any kind; nor shall any duty be attempted to be levied upon them.

ART. 2. In order to remove all uncertainty with respect to the said boundary line assigned to the United States, by the said Treaty of Peace, the following arrangements have been agreed upon, between the two contracting parties to the said Treaty, and are to be considered as forming a part thereof:

First. That, whereas doubts have arisen what river was truly intended, under the name of the river St. Croix, mentioned in the said Treaty, and forming a part of the boundary therein described, that question shall be referred to the final

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decision of Commissioners in London, to be appointed in the following manner, viz: That one Commissioner shall be named by His Majesty, and one by the United States, and that the said two Commissioners shall agree on the choice of a third, or, if they cannot so agree, that they shall each propose one person, and that, of the two names so proposed, one shall be drawn by lot, in the presence of the two original Commissioners; and that the two Commissioners so appointed shall be sworn impartially to examine and decide the said question, according to such documents as shall respectively be laid before them, on the part of the British Government, and of the United States.

Secondly. That whereas it is now understood that the river Mississippi would, at no point thereof, be intersected by such westward line as in the said Treaty; and, whereas it was stipulated, by the said Treaty, that the navigation of the Mississippi should be free to both parties, it is agreed that the boundary line shall run in the manner described by the said Treaty, from the Lake Huron, to the northward of the Isle Philippeaux, in Lake Superior; and that from thence the said line shall proceed to the bottom of West Bay, in the said Lake; and from thence, in a due west course, to the river of the Red Lake, or eastern branch of the Mississippi, and down the said branch to the main river of the Mississippi, and that, as well on the said branch, as on (——— or ——— through Lake Superior; and from thence to the water communication between the said Lake, and the Lake of the Woods, to the point where the said water communication shall be intersected by a line running due north from the mouth of the river St. Croix, which falls into the Mississippi below the falls of St. Anthony, and that the boundary line shall proceed from such point of intersection, in a due southerly course, along the said line to the Mississippi, and that, as well as on the said water communication, as on) every part of the Mississippi where the same bounds the territory of the United States, the navigation shall be free to both parties, and His Majesty's subjects shall always be admitted to enter freely into the bays, ports, and creeks, on the American side, and to land and dwell there for the purposes of their commerce; and, for greater certainty, the undersigned Ministers have annexed to each of the copies of this Treaty a copy of the map made use of by them, with the boundaries marked thereon, agreeably to this article; and the boundaries of the United States, as fixed by the said Treaty of Peace, and by this Treaty, together with all the other articles of the said Treaty, are hereby recognised, ratified, and forever confirmed.

ART. 3. Whereas it is alleged, by divers British merchants and others, His Majesty's subjects, that debts, to a considerable amount, which were *bona fide* contracted before the peace, still remain owing to them by citizens or inhabitants of the United States, and that, by the operation of various lawful impediments since the peace, not only the full recovery of the said debts

has been delayed, but also the security and value thereof has been impaired and lessened, and that, in many instances, the British creditors cannot now obtain, by the ordinary course of judicial proceedings, full and just relief for the loss and damage so sustained by them, it is agreed, that, in all cases where such relief cannot, for whatever reason, be now had by British creditors, in the ordinary course of justice, the United States of America will make full and complete satisfaction to the said creditors; and that, for this purpose, Commissioners shall be appointed and authorized to act in America, in the manner following, that is to say: two Commissioners shall be named by His Majesty, and two by the United States, and a fifth by the unanimous choice of the other four; but, if they shall not agree in such choice, then one name shall be proposed by the British Commissioners, and one by the Commissioners of the United States, and one of the two names so proposed shall be drawn by lot, in the presence of the said original Commissioners; and in case of death, sickness, or necessary absence, the places of the said Commissioners shall be respectively supplied in the same manner as such Commissioners respectively were first appointed. The said five Commissioners shall be sworn to hear all such complaints as shall, within the space of eighteen months from their first sitting, or within such further time as they shall see cause to allow for that purpose, be preferred to them, by British creditors, or their representatives, in virtue of this article, and impartially to determine the same, according to the true intent of this article, and of the Treaty of Peace.

And the said Commissioners, in awarding such sums as shall appear to them to be due to the said creditors by virtue of this article, are empowered to take into their consideration, and to determine, all claims, on account either of principal or interest, in respect of the said debts, and to decide respecting the same, according to the merits of the several cases, due regard being had to all the circumstances thereof, and as equity and justice shall appear to them to require; and the said Commissioners shall be empowered to examine all persons, on oath, touching the premises, and also to receive in evidence, at their discretion, and according as they shall think most consistent with equity and justice, all written depositions, or books, or papers, or copies, or extracts thereof, every such deposition, book, paper, copy, or extract, being duly authenticated, according to the legal forms now respectively existing in the two countries, or in such other manner as the said Commissioners shall see cause to prescribe and require. Three of the said Commissioners shall constitute a Board, and be empowered to do any act appertaining to the said commission; provided that, in every such case, one of the Commissioners named on each side, and the fifth Commissioner, chosen as above, shall be present; and all decisions shall be made by the majority of voices of the Commissioners then present.

The award of the said Commissioners, or any three of them, as aforesaid, shall, in all cases, be

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final and conclusive, both as to the justice of the claim, and to the amount of the sum to be paid to the claimant; and the United States undertake to cause the same to be paid to such claimants, without deduction, in sterling money, and in such place or places, and at such time or times, as shall be awarded by the said Commissioners; and on condition of such releases to be given by the claimant of his demands against individuals, as to them shall appear just and reasonable.

ART. 4. Whereas complaints have been made by divers merchants and others, citizens of the United States, that, during the course of the war in which His Majesty is now engaged, they have sustained considerable loss and damage by reason of irregular or illegal captures and condemnation of their vessels under color of authority or commission from His Majesty: and that, from various circumstances belonging to the said cases, adequate compensation for the said losses cannot now be obtained by the ordinary course of Judicial proceedings, it is agreed that in all such cases where adequate compensation cannot, for whatever reason, be now had by the said merchants and others, full and complete satisfaction will be made by the British Government to the said complainants; and that, for this purpose, Commissioners shall be appointed and authorized to act in London in the same manner, and with the same powers and authorities, and subject to the same restrictions, as the Commissioners named in the third article of this Treaty; and that the award of the said Commissioners shall, in like manner, be final and conclusive in all respects. And His Britannic Majesty engages to cause to be paid to such complainants, respectively, the amount of all sums so awarded, without deduction, in sterling money, and at such time or times, and in such place or places, as shall be awarded by the said Commissioners, and on condition of such releases, on the part of the complainants, of their demands against individuals, as to the said Commissioners shall appear just and reasonable.

And it is further agreed that, if it shall appear that in the course of the war, loss and damage has been sustained by His Majesty's subjects, by reason of the capture of their vessels and merchandise—such capture having been made, either within the limits of the jurisdiction of the said States, or by vessels armed in the ports of the said States, or by vessels commanded or owned by the citizens of the said States—the United States will make full satisfaction for such loss or damage, the same being to be ascertained by Commissioners in the manner already mentioned in this article.

ART. 5. It is agreed that, with respect to the neutral commerce which one party may carry on with the European enemies of the other when engaged in war, the principles to be observed by Great Britain towards the United States, and reciprocally by the United States towards Great Britain, shall always, and in all points, be the same as those which shall at that time be observed by the said parties, respectively, towards the most favored neutral nations of Europe, with the exception of such particular privileges as may, be-

fore the commencement of the war to which the same shall apply, have been granted by special Treaty to particular European nations, and with such extensions or modifications as may occasionally be established by special Treaty between Great Britain and the United States, for their mutual convenience.

ART. 6. It is agreed that, in all cases where vessels shall be captured or detained on just suspicion of having on board enemies' property, or of carrying to the enemy any of the articles which are contraband of war, the said vessels shall be brought to the nearest or most convenient port; and that all proper measures shall be taken to prevent delay in deciding the case of ships so brought in for adjudication, and in the payment or recovery of any indemnification adjudged or agreed to be paid to the masters or owners of such ships.

ART. 7. When one of the contracting parties is engaged in war and the other remains neutral, the said neutral Power shall not suffer the ships, vessels, goods, or merchandise, of the other, which may be taken at sea, or elsewhere, by the enemy, to be brought into any of its ports or dominions, and much less to be there sold or exchanged; but shall publicly forbid anything of that kind to be done. And if any ships, vessels, goods, or merchandise, of either of the contracting parties, or their people or subjects so taken at sea or elsewhere, shall be carried into the ports or countries of the other by the enemy, neither the same nor any part thereof shall be allowed to be sold or exchanged in that port, or in any other place in the dominion of the said neutral party. The master of the ship or vessel so taken, as also the mariners and passengers of every description shall, as soon as they arrive, be immediately set at liberty; and the said ship or vessel so brought, shall not be permitted to stay in that harbor, but shall be obliged immediately to leave the port, with her goods, merchandise, and lading, and without being allowed to return to the same, or to any other port in the dominions of the said neutral party: *Provided, nevertheless*, That nothing in this article shall be construed to derogate from the public Treaties which have already been entered into by either of the contracting parties with other nations; but in so far as such Treaties do not interfere, and in all cases to which they do not apply, the above article shall remain in full force, and shall be executed accordingly. And the contracting parties will not in future conclude any Treaty in derogation of this article.

ART. 8. It is agreed that the subjects and inhabitants of the kingdoms, provinces, and dominions of the contracting parties, shall exercise no acts of hostility or violence against each other, either by sea or by land, or in rivers, streams, ports, or havens, under any color or pretence whatsoever; and particularly, that the subjects or people of either party shall not receive any patent, commission, or instruction, for arming and acting at sea as privateers, or any letters of reprisal, as they are called, from any Prince or State, enemies to the other party; neither shall they arm ships in such manner as is above said, nor go out

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to sea therewith, for the purpose of exercising any act of violence against the subjects or people of the other contracting party; nor shall they in any manner molest or disturb the said subjects or people; to which end sufficient laws and regulations shall, if necessary, be provided; and as often as it is required by either party, strict and express prohibitions shall be renewed and published in all the territories, countries, and dominions of each party, wheresoever, that no one shall in anywise use such commissions or letters of reprisal, or engage in any such acts of hostility as aforesaid, under the pain of severe punishment to be inflicted on the transgressors, besides their being liable to make full restitution and satisfaction to those to whom they have done any damage. Neither shall any letters of reprisal be hereafter granted by either of the said contracting parties, to the prejudice or detriment of the subjects of the other; except only in such case wherein justice is denied or delayed; which denial or delay of justice shall not be regarded as verified, unless the petition of the person who desires the said letters of reprisal shall be communicated to the Minister residing there on the part of the Government against whose subjects or people they are granted, that, within the space of four months or sooner, if it be possible, they may manifest the contrary, or procure the satisfaction which may be justly due.

ART. 9. Neither of the said contracting parties shall permit the ships or goods belonging to the subjects of the other, to be taken within the limits of their respective jurisdictions on their coasts, nor in the ports or rivers of their dominions by ships of war or others, having commission from any Prince, Republic, or city whatsoever: but in case it should so happen, both parties shall employ their united force to obtain reparation of the damage thereby occasioned.

ART. 10. If it should unfortunately happen that a war should break out between Great Britain and the United States, all merchants and others residing in the two countries, respectively, shall be allowed nine months to retire with their effects, and shall be protected from capture in their way home: *Provided, always*, that this favor is not to extend to those who shall act contrary to the established laws. And it is further agreed that neither debts due from individuals of the one nation to individuals of the other, nor shares or moneys which they may have in the public funds or in the public or private banks, shall ever in any event of war or national differences be sequestered or confiscated; it being both unjust and impolitic that debts and engagements contracted and made by individuals having confidence in each other, and in their respective Governments, should ever be destroyed or impaired by national authority, on account of national differences and discontents.

ART. 11. It is agreed that British subjects who now hold lands in the territories of the United States, and American citizens who now hold lands in His Majesty's dominions, shall continue to hold them, according to the nature and tenure of their estates and titles therein; and may grant

and sell, and devise the same, as and to whom they please, in like manner as if they were natives; and that neither they nor their heirs or assigns shall, so far as may respect the said lands, and the legal remedies incident thereto, be regarded as aliens.

COMMERCIAL PROJET.**The Preamble.**

ARTICLE 1. It is agreed that there shall be, between the dominions of His Britannic Majesty in Europe and the territories of the United States, a reciprocal and perfect liberty of commerce and navigation, and a free admission of all ships belonging to either party, whether the same be ships of war or merchant vessels; and that the subjects and inhabitants of the two countries, respectively, shall have liberty, freely and securely, and without hindrance or molestation of any kind, to come with their said ships and their cargoes to the lands, countries, cities, ports, places, and rivers, within the dominions and territories aforesaid, to enter into the same, to resort thereto, and to remain and reside therein, without any limitation of time; also to hire, purchase, and possess houses and warehouses, for the purpose of their commerce; and, generally, that the merchants and traders on each side shall enjoy the most complete protection and security for their commerce, but subject always, as to what respects this article, to the general laws and statutes of the two countries, respectively.

ART. 2. It shall be free for the two contracting parties, respectively, to appoint Consuls for the protection of trade, to reside in the dominions and territories aforesaid, the same being of the nation on whose behalf they shall be so appointed, and not otherwise; and such Consuls shall enjoy those liberties and rights which belong to them by reason of their functions; but either party may except, from the general liberty of residence of such Consuls, such particular places as such party shall judge proper to be so excepted.

ART. 3. The vessels of the two contracting parties, respectively, coming to the dominions or territories aforesaid, shall enjoy the same liberty in respect to the entry and discharge of their lawful cargoes, and all other regulations which respect the general convenience and advantage of commerce, as now are, or shall at any time be, enjoyed by any other foreign nation, which shall be the most favored in that respect; and no distinction shall exist of tonnage or other duties, (such light-house duties excepted as are levied for the profit of individuals or of corporations,) by which the vessels of the one party shall pay in the ports of the other any higher or other duties than shall be paid, in similar circumstances, by the vessels of the foreign nation the most favored in that respect, or by the vessels of the party into whose ports they shall come.

ART. 4. No article, being the growth, produce, or manufacture of any of the dominions or territories of the one party shall pay, on being imported directly from the said territories or dominions, into the ports of the other, any higher or

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other duties than shall be there paid for the like articles, on importation from any other foreign country.

ART. 5. No new prohibition shall be laid in any of the territories or dominions aforesaid, by one of the contracting parties, on the importation of any article, being of the growth, produce, or manufacture of the territories or dominions of the other; nor shall articles, being of the growth, produce, or manufacture of any other country, be prohibited to be imported into the dominions of one of the contracting parties by the vessels of the other, except such articles only as are now so prohibited.

ART. 6. With respect to the territories and dominions of His Britannic Majesty in the West Indies, the following arrangements have been agreed to by the contracting parties:

His Majesty consents that it shall and may be lawful, during the time hereinafter limited, for the citizens of the United States of America to carry to any of His Majesty's islands and ports in the West Indies, from the United States in their own vessels, not being above the burden of seventy tons, any goods or merchandise, being of the growth or produce of the said States, which it is or may be lawful to carry to the said islands and ports from the said States in British vessels; and that the said American vessels and their cargoes shall pay there no other or higher duties than shall be payable by British vessels in similar circumstances; and that it shall be lawful to the said American citizens to purchase, load, and carry away, in their said vessels to the United States, from the said islands and ports, all such articles, being of the growth and produce of the said islands, as may by law be carried from them to the said States in British vessels; and subject only to the same duties and charges on exportation, to which British vessels are or shall be subject in similar circumstances: *Provided, always,* That they carry and land the same in the United States only; it being expressly agreed and declared that, during the continuance of this article, the United States will prohibit the carrying any West India productions or manufactures in American vessels, either from His Majesty's islands or from the United States, to any part of the world except the United States—reasonable sea stores excepted, and excepting also rum made in the United States from West India molasses.

It is agreed that this article, and every matter and thing therein contained, shall continue to be in force during the continuance of the war in which His Majesty is now engaged, and also for two years from and after the day of the signature of the preliminary articles of peace by which the same may be terminated.

And it is further agreed that, at the expiration of the said term, the two contracting parties will treat further concerning the arrangement of their commerce in this respect, according to the situation in which His Majesty may then find himself as with respect to the West Indies, and with a view to the mutual advantage and extension of commerce.

ART. 7. This Treaty, and all the matters there-

in contained except the sixth article, shall continue to be in force for twelve years from the day of the exchange of the ratification thereof; and if, during the continuance of this Treaty, there shall arise on either side any complaint of the infraction of any article thereof, it is agreed that neither the whole Treaty nor any article thereof shall, on that account, be suspended, until representation shall have been made to the Government by the Minister of the party complaining; and, even if redress shall not then be obtained, four months' notice shall be given previous to such suspension."

To the before-mentioned letter I returned the following answer, viz:

PALL MALL, ROYAL HOTEL,

September 1, 1794.

MY LORD: I was yesterday honored with your lordship's letter of the 30th August, with the projects and map which accompanied it. I consider the articles in these projects as being (like those in our conversations) merely for mutual consideration.

In these projects several parting points present themselves; some of them, I presume, may be easily accommodated, but there are others which create in my mind serious apprehensions. One of these articles (being without the limits of my authority) I think I ought now to particularize; it is the one which proposes a cession of territory in the Northwestern corner of the United States. It is proper, also, that I should say with frankness that, in my opinion, many circumstances and considerations which shall be submitted to your lordship, will restrain the United States from such a cession.

This article would entirely frustrate my hopes, if I had not reason to persuade myself that the enlarged and enlightened policy of excluding secondary from a competition with primary objects, will always harmonize with your lordship's mind. The present occasion is great, and though critical, yet auspicious to the establishment of confidence and friendship between the two countries. With the magnitude and importance of these objects, the projects in question really do not strike me as being commensurate. I am aware that, in forming them, your lordship had many difficulties growing out of the subject, and probably some others to encounter, and that your attention was constantly divided between a multitude of great and pressing affairs.

The negotiation now becomes delicate, and I should experience more than a proportionate embarrassment were it not for my confidence in your lordship's candor and liberality, and for those sentiments of esteem, as well as respect, which I have the honor to be, &c.

J. J.

The Rt. Hon. LORD GRENVILLE, &c.

The proposed alterations in our Northwestern boundary, and the consequential cession and dereliction of territory, appeared to me to be a point which I ought, without delay, to state to his lordship in the light in which it appeared to me; I

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therefore prepared and sent him, enclosed in a note, the following remarks, viz :

ROYAL HOTEL, PAUL MALL,
September 4, 1794.

Mr. Jay presents his compliments to Lord Grenville, and requests the favor of his lordship to name a time for receiving Mr. Jay on the subject of the proposed Treaties. In the mean time, Mr. Jay has the honor of submitting the remarks herewith enclosed, to his lordship's consideration.

Remarks on that part of the second article of the project of a Treaty for terminating all differences between Great Britain and the United States of America, which purports a cession or dereliction by the latter of the country lying to the Westward and Northward of either of the two lines therein proposed and described.

For this cession or dereliction, two reasons are assigned, viz :

1st. That it is now understood that the river Mississippi would in no part thereof be intersected by a west line from the Lake of the Woods.

2d. That it was stipulated by the Treaty of Peace, that the navigation of the river Mississippi should be free to both parties.

Admitting the fact mentioned in the first of these reasons to be well founded, it shows only that the Northern and Western lines of the United States do not meet and close, and therefore that it is necessary to fix on a line for closing them. But no argument thence results that either Great Britain or the United States ought to cede or to acquire any territory further than what such closing line may possibly render unavoidable.

That the Mississippi would, in no point thereof, be intersected by a west line from the Lake of the Woods, is a fact involved in too much uncertainty to be assumed as a foundation for national stipulation ; for however it may be conjectured or supposed, yet it still remains to be ascertained.

The map sent to Mr. Jay by Lord Grenville, viz : Faden's, published in 1793, informs us that the river Mississippi has been ascended only as far up as about the forty-fifth degree of North latitude—that is, about a degree above the falls of St. Anthony ; so that its further extent and course towards the North are yet to be discovered.

On the same map, Faden lays down a stream connected with the Marshy Lake, near the forty-fifth degree of latitude, and thus denominates it, "Mississippi by conjecture."

He also lays down on the same map a stream connected with the White Bear Lake, near the latitude forty-six, and thus denominates it, "The Mississippi by conjecture."

He also lays down, on the same map, a stream connected with the Red Lake, in latitude forty-seven, and thus denominates it, "Red Lake river, or Lahontan's Mississippi."

Inasmuch, therefore, as three different streams, found in the immense wilderness above latitude forty-five, are conjectured to be the Mississippi, it is plain that, so far from being certain how far that river runs to the North, we really are yet to learn

where it does run, and which of the rivers in that wilderness it is. How then can it be assumed, as a fact resting on good evidence, that the Mississippi would at no point thereof be intersected by a west line from the Lake of the Woods?

Individuals differing about boundaries depending on the course and extent of brooks and streams, settle questions of that kind by actual surveys. States usually, and with good reason, do the same. Why be content with delusive conjectures and probabilities, when absolute certainty can easily be had? Let a survey be accurately made by joint Commissioners, and at joint expense. The United States are ready to adopt that measure, and to enter into the necessary stipulations and arrangements.

If it should appear, on such a survey, that the west line would intersect the Mississippi, no room for further question or dispute will remain ; but if the contrary should prove to be the case, then, as the Northern and Western lines of the United States would not close, the manner of closing them will naturally and necessarily come under consideration. Several modes of closing them may be devised, neither of which may be altogether agreeable to both parties. Unless they shall be able to agree, let joint Commissioners, at joint expense, and upon oath, fix a closing line in the manner which they shall judge most consonant with the true intent and meaning of the Treaty of Peace. The United States are ready to enter into such eventual stipulations as may be necessary for that purpose.

The second reason assigned for this cession, is, "that it was stipulated by the Treaty of Peace that the navigation of the Mississippi should be free to both parties."

From this stipulation it is argued, as a natural and necessary inference, that it was in the expectation and intention of the parties, that they should and would both border, not only on the river, but also on the navigable part of it.

This inference seems to be violent. A right freely to navigate a bay, a strait, a sound, or a river, is perfect without, and does not necessarily presuppose the dominion and property of lands adjacent to it.

But, although, from a right to navigate the river Mississippi, a right to adjacent lands cannot be inferred, yet, when that right is connected with the circumstance that both parties were to be bounded by a line terminating at the river, it is thought to be thence presumable that the parties expected and intended the said line would and should terminate at a navigable part of it. They might or they might not have intended it. Whether they did or not, can only be discovered from their concomitant words and actions. On looking into the Treaty for words indicating such intention, our search proves fruitless ; there are no such words in it, nor the least shadow of a stipulation or declaration on the point. If we review the plain and manifest design of the Treaty relative to boundaries, we find the idea of such intention uniformly contradicted. The Treaty, in delineating the boundaries of the United States,

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passes from the northwest angle of Nova Scotia to the head of Connecticut river, then down that river to the forty-fifth degree of latitude, then on that line of latitude to the river Iroquois, then (quitting that line of latitude) to Lake Ontario, then, from Lake to Lake, through their connecting waters, until it arrives at the Lake of the Woods, and passing through it, to the northwesternmost point thereof, proceeds on a due west course to the Mississippi, &c.

Now, it was always well known, and the maps show it, that the Lake of the Woods is situated at a great distance in the North, above the latitude of the falls of St. Anthony, which interrupt the navigation of the Mississippi, and consequently that a due west line from the Lake of the Woods must of necessity strike the river above those falls, and as far above them as the latitude of the Lake is above the latitude of the falls.

Again: it was not then known, nor is it yet known, how far the Mississippi runs navigable beyond those falls; nor whether any, or how many, other falls intervene between them and its source. The parties, therefore, being entirely ignorant of the extent, and of the course, and of the character of the river high above the falls, could not possibly have judged, or divined, or guessed, whether the place or part of the river at which the west line would strike it, was navigable or not; how, then, could they expect or intend any thing about it? Nothing could be more obvious than that a due west line might terminate on the river at a place not navigable; and had navigation been in view, it seems strange that the Treaty should not contain a provision, that, if the said west line, on being actually run, should strike the river at a place where it was not navigable, then the said line should be inclined so many degrees southerly as might be necessary to bring it to the first navigable water of the river. Yet nothing like this is to be found in the Treaty.

It is not difficult to discern from the Treaty, and so was the fact, that other ideas and views governed the direction of the boundary lines.

The question, then, was, where would it be most convenient to both parties, and, all things considered, where would be most wise and prudent, that the boundaries between them should be fixed? Two lines were proposed and considered: one from the point before mentioned, on Connecticut river, and running straight on the line of the 45th degree of latitude West to the Mississippi; the other was the one adopted and established by the Treaty. The official papers of the British Ministers which respect that negotiation, will probably show that Great Britain had the choice of these two lines, and that she preferred the latter.

This choice and preference gives no support to the idea that she then contemplated navigable water in that part of the Mississippi which was supposed to penetrate into Canada. The first line, if adopted, would have favored it, and fair presumption might have classed that among the reasons of preference; but notwithstanding this, Great Britain did not prefer it; on the contrary,

as the waters would form a line which could never be mistaken, and afforded great conveniences to both parties, the line of the waters was preferred by both. This water line was, by mutual consent, terminated at the northwesternmost point of the Lake of the Woods; it was agreed that the Mississippi should bound the United States on the West; nothing then remained but to agree on the course which the closing line, from that Lake to the river, should run; and a due west course was agreed upon without any expectation or design that it would or should there meet the navigable water. The truth is, that the stipulation respecting the navigation of the river being free to both parties, was an afterthought, and gave occasion to a new and subsequent article, viz: the 8th. Even in the drawing that article, when the navigation of the river became an object of contemplation, no connexion was introduced between the right mentioned in that article, and the boundaries designated in the second article; no facilities were asked, or proposed, or stipulated, for a water, or any other communication between Canada and the navigable water of the Mississippi, which doubtless would have been the case, had such a communication been then in view, especially considering the absolute uncertainty and extreme improbability of that river being navigable above the high latitude of the Lake of the Woods.

From the before mentioned circumstances and considerations, it seems fairly to result, that the two reasons assigned for the cession in question, as a matter of equity and right, do not afford it a solid foundation.

If this conclusion be just, it precludes the necessity of showing at large, that none of the inferences ascribed to the said two reasons, involve a claim to tracts of country so extensive as either of the two proposed and marked on the map; each of which includes more than thirty thousand square miles; and that, without taking into the computation the extensive country lying between (what in the subjoined diagrams are for the purpose of computation regarded as) the west sides of these tracts and the Mississippi, and to the southward of the West line from the Lake of the Woods; and which country would on either of these plans become also annexed to Canada."

In order that you may have an accurate idea of the lines proposed by Lord Grenville, I here insert copies of the diagrams mentioned in the foregoing remarks. [Nos. 1 and 2.]

On the 5th September, Lord Grenville wrote me the following note, viz:

"DOWNING STREET, September 5, 1794.

"Lord Grenville presents his compliments to Mr. Jay. He has received Mr. Jay's note, with the enclosed remarks, and will be glad to see him at his office to-morrow, at twelve o'clock. Lord Grenville has, in the mean time, the honor to enclose to Mr. Jay some observations which have occurred to him on the perusal of the paper which he received from Mr. Jay."

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The observations enclosed with this note were as follows, viz :

Observations respecting the Northwestern boundary of the United States of America.

It cannot for a moment be admitted, that the proposed arrangement on the subject of the Northwestern boundary, is properly to be considered in the manner in which it is spoken of by Mr. Jay, namely, as a cession, or dereliction of territory on the part of the United States.

Their boundary to the Northwest, as fixed by the Treaty, is a line "to be drawn from the Lake of the Woods, in a due west course, to the Mississippi." There are in this agreement two distinct parts :

1st. That the boundary line should be drawn in a due westerly course from the Lake of the Woods; and 2d. That it should likewise be drawn in a due westerly course to the Mississippi :

If such a line cannot in fact be drawn between those points, there can be no ground for considering one part of this stipulation as more permanently fixed than the other, or as affording a more equitable ground for any future arrangement; and it would be quite as reasonable for this country to consider as a cession of territory on our part, the adoption of any other boundary than that of a due westerly line striking the Mississippi, as for the United States to urge that such a cession exists on their part, if such a line is not drawn from the Lake of the Woods.

To this consideration must be added that which so plainly results from the article respecting the free navigation of the Mississippi; on which head it seems sufficient for the present to remark, that such a right evidently and necessarily implies the possibility of access to that river, without passing through a foreign territory.

Little objection occurs to the making an actual survey, except that of delay. If, on that survey, the stipulations in the Treaty should be found to be compatible with the real geography of the country, it is certain that no further dispute could exist on that point.

But if we have, from the best information on the subject, sufficient reason to believe that no such line can be drawn as is mentioned in the Treaty, it cannot be desirable, when all the interests of the two countries with relation to each other are under discussion, with a view to lasting friendship, to leave unsettled so material a ground of difference as that of an unascertained boundary. The mode of settling that point is necessarily connected with the general result of the present negotiation. If no more can be accomplished on any other point than the doing strict justice between the parties, according to existing Treaties and the Laws of Nations, the appointment of Commissioners, as proposed by Mr. Jay, does not appear ill adapted to obtain the same object as to this point; provided that those Commissioners are distinctly enabled to take into their consideration the 8th article, and to give to that stipulation such effect as they shall think it ought in justice to have in the formation of a new boundary line.

But, if the negotiation should lead to new stipulations of mutual advantage, no subject appears more proper for the application of that principle, than one in which there exist two doubtful and contradictory claims, founded on an agreement which cannot by any possibility be executed; especially if it be true, as it is considered here, that this is a point where any advantage, whatever it should be, which Great Britain might acquire, would, under all circumstances, be found at least equally beneficial to the United States.

DOWNING STREET, September 5, 1794.

Expecting that when we met the first of the above projects would, as first in the order of things, be first considered, my attention was more immediately confined to it; but the time consumed in preparing the remarks before mentioned, left me very little leisure to employ in forming satisfactory opinions on the different parts of this project; several, however, occurred to me, of which I made short notes; they are as follows. You will find the numbers marked in the margin of the project.

Note 1. In what capacity are they so to remain? as British subjects or American citizens? If the first, a time to make their election should be assigned.

2. If His Majesty's subjects are to pass into the American territories for the purposes of Indian trade, ought not American citizens to be permitted to pass into His Majesty's territories for the like purpose?

3. If the American Indians are to have the privilege of trading with Canada, ought not the Canada Indians to be privileged to trade with the United States?

4. If goods for Indian trade shall be introduced duty free by British traders, how is the introduction of other goods with them to be prevented? And for this privilege, operating a loss to the American revenue, what reciprocal benefit is to be allowed?

5. Why should the Commissioners for ascertaining the river St. Croix meet and decide in London? Is it not probable that actual views and surveys, and the testimony and examination of witnesses on the spot will be necessary?

6. Why confine the mutual navigation of the Mississippi to where the same bounds the territory of the United States?

7. Why should perpetual commercial privileges be granted to Great Britain on the Mississippi, &c., when she declines granting perpetual commercial privileges to the United States any where?

8. This preamble, connected with the silence of the Treaty as to the negroes carried away, implies that the United States have been aggressors; it also unnecessarily impeaches their judicial proceedings.

9. On no principle ought more to be asked than that the United States indemnify creditors for losses and damages caused by the impediments mentioned.

10. The word *had* is not sufficiently definite;

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the object being not only sentence, decree, or judgment, but payment and satisfaction.

11. Sterling money fluctuates according to exchange; this should be *fixed*.

12. Why not place these captures on the footing with the others, and charge the United States only in cases where justice and complete compensation cannot be had from judicial proceedings?

13. Why provide only for neutral commerce with European enemies? The whole of this article is so indefinite as to be useless.

14. What are or shall be deemed contraband in the sense of this article?

15. As the United States have permitted the French to sell prizes in the United States, should the restriction not to do it in future, commence at the expiration of the present war?

16. There should be an article against the impressment of each other's people.

17. This united force should be confined to the moment of aggression.

18. The confiscation of debts, &c. This article should be in the Treaty of Commerce.

On the 6th of September, agreeably to Lord Grenville's appointment, I waited upon him; we spent several hours in discussing the several topics which arose from these notes, and some others, which in the course of the conversation occurred. He promised to take what I had offered into consideration, and manifested throughout the conversation every disposition to accommodate that could be wished: we may not finally be able to agree. If we should not, it would, in my opinion, occasion mutual regret, for I do believe that the greater part of the Cabinet, and particularly Lord Grenville, are really disposed and desirous not only to settle all differences amicably, but also to establish permanent peace, good humor, and friendship, between the two countries.

On the 8th of September, I received from Lord Grenville the following letter, enclosing the papers mentioned in it, viz:

ST. JAMES'S SQUARE, Sept. 7, 1794.

SIR: In order to narrow as much as possible the objects of our discussions, I have stated in the enclosed paper what occurs to me on the different points to which your notes apply, except the second, third, and fourth articles of those notes, which I have reserved for further examination and inquiry. I expect that, by Tuesday or Wednesday at furthest, I shall be able to converse further with you on those points, as well as with respect to what you suggested on the subject of the East Indies. The points in discussion will then be reduced within a small compass, but they certainly do not relate to the least important parts of our negotiation. With respect to them, I can only say, that you shall continue to find in me the same openness of discussion, and the same desire to state to you, without reserve, what I think may be conceded to the object of speedy conciliation, and what the interest and honor of my country, and the duty which I owe to the King, oblige me to insist upon, as necessary for that object. It is with

sentiments of very real esteem and respect, that I have the honor to be, &c., &c.,

GRENVILLE.

P. S. I also send a note of two alterations to be made in the commercial projet, in consequence of our conversation of yesterday. G.

To the Hon. Mr. JAY, &c.

Observations, (enclosed with the above letter.)

No. 1. In consequence of the observation contained in the first remark, Lord Grenville proposes to add, in the first article of the projet, after the words "property thereof," at the end of the first paragraph, these words: "and such of them as shall continue to reside there for the purposes of commerce, shall not be compelled to become subjects of the United States, or take any oath of allegiance to the Government thereof, but shall be at full liberty so to do (if they think proper) within one year after the evacuation of the posts, which period is hereby assigned to them for making their choice in this respect." Considering the length of the first article, now increased by this addition, it may be better to divide it into two—the second beginning with the words, "It shall at all times be free," &c. &c.

Articles 2, 3, and 4, reserved for further examination.

5. The meeting of the Commissioners respecting the river St. Croix is proposed to be in London, because it is supposed that the great mass of evidence on the subject is here. A power may be given to them, either to direct a local survey, or to adjourn to America, but it seems very unlikely that this would become necessary.

6. No idea was entertained of confining the mutual navigation of the Mississippi to that part of the river where it bounds the territory of the United States. That qualification was intended only to have reference to the free admission of British merchant ships into the bays, ports, and creeks of the United States, on the Mississippi; nor would it have been proposed at all to repeat in this article what is so distinctly stipulated in the Treaty of Peace, respecting the free navigation of the Mississippi, except for the purpose of expressly extending that stipulation to every part of the waters now proposed to form a part of the boundary.

7. The right of admission into ports, &c., for the purposes of trade, and the general liberty of commerce, spoken of in this article, are not considered as commercial privileges, such as are usually made the subject of temporary regulation by special Treaties of Commerce. Great Britain by no means declines to give the same rights permanently to America, as with respect to those parts of her dominions which are open to foreign commerce. These rights are, indeed, now generally acknowledged to be incident to a state of amity and good correspondence; and if it is proposed to particularize them, as with respect to the Mississippi, this is done only with a view of removing the possibility of such doubts as were formerly raised here upon the subject.

8. On the fullest reconsideration of this pream-

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ble, Lord Grenville sees no ground to think it liable to the objections made by Mr. Jay, particularly when compared with the preamble proposed for the fourth article. The proceedings in both articles are grounded on the allegations of individuals. The truth of those allegations is referred to the decision of the Commissioners. Lord Grenville's opinion respecting the prior aggression of the United States, as well as his reasons for that opinion, are well known to Mr. Jay; but he has no wish to introduce into the proposed Treaties any discussion of that point. He is therefore very ready to consider any form of words which Mr. Jay may suggest for those articles, as better suited to the two objects to which they are directed—those of justice to individuals and conciliation between the Governments; and this applies equally to the remarks Nos. 9 and 10.

11. The substitution of the word *specie*, as suggested by Mr. Jay, seems fully to meet the object here mentioned.

12. What Mr. J. here desires was intended to be done, and was indeed conceived to be implied in the general words at the end of the article. But Lord Grenville sees no objection to the insertion of express words for the purpose.

13. Lord Grenville explained to Mr. Jay this morning the reason of the insertion of the word *European*, in the place here referred to. The subject is connected with the larger consideration to which their conversation led, and from the further discussion of which Lord Grenville is inclined to hope that mutual advantage may arise. Mr. Jay will observe, that the subject to which his remark, No. 15, applies, is one instance among many which might be brought to show that this article would not be inefficient.

14. To meet the object which was this morning suggested in conversation on this article, Lord Grenville would propose the adoption of the following additional article, to come in immediately after the eighth. Lord Grenville has, in conformity to what was mentioned by Mr. Jay, used the words of *Vattel*:

"In order to regulate what is in future to be esteemed contraband, it is agreed that, under the said denomination shall be comprised all arms and implements serving for the purposes of war, by land or sea, such as cannon, muskets, mortars, petards, bombs, grenades, carcasses, saucisses, carriages for cannon, musket rests, bandeliers, gunpowder, match, saltpetre, ball, pikes, swords, headpieces, cuirasses, halberds, lances, javelins, horses, horse furniture, holsters, belts, and generally all other implements of war; as also timber for shipbuilding, tar, or rosin; sheet copper, sails, hemp, and cordage, and generally whatever may serve directly to the equipment of vessels; unwrought iron and fir planks only excepted. And all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy.

"And whereas corn, grain, or provisions, can be considered as contraband in certain cases only, namely, when there is an expectation of reducing the enemy by the want thereof, it is agreed that,

in all such cases, the said articles shall not be confiscated; but that the captors, or, in their default, the Government under whose authority they act in this respect, shall pay to the masters or owners of such vessels the full value of all such articles, together with a reasonable mercantile profit thereon, and also the freight and demurrage incident to their detention."

15. It seems by no means unreasonable that the effect of this stipulation should be extended to the existing war, as a natural consequence of the good understanding to be established in this negotiation, and by the removal of all existing differences. And it would tend to prevent so many occasions of acrimony and dispute, on both sides, that Lord Grenville thinks it highly desirable to maintain this article in its present form.

16. Lord Grenville sees no reason whatever to object to this article.

17. This remark seems also perfectly just, and will be best met by omitting the concluding part of this article.

18. Lord Grenville rather thinks this article ought to be permanent, for the mutual interest of both countries; but he is content to leave this point to the decision of Mr. Jay, who is much too enlightened not to see the effect which a contrary conduct to that here prescribed must produce as with respect to America.

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ART. 2. Omit these words: "the same being of the nation on whose behalf they shall be appointed, and not otherwise," and insert, in lieu thereof, "the same being first approved by the Government of the country in which they shall be so appointed to reside, and not otherwise."

ART. 3. The last sentence to run thus: "by which the vessels of the one party shall pay, in the ports of the other, any higher or other duties than shall be paid in similar circumstances by the vessels of the foreign nation the most favored in that respect, or any higher or other duties than shall be paid in similar cases by the vessels of the party itself into whose ports they shall come."

Thus, sir, I have given you a very particular and correct account of the negotiation. Many observations and explanatory remarks might be added. I might also inform you that I had strenuously urged the justice of compensation for the detention of the posts, and that I consider the privilege of trading to the West Indies as providing for claims of that kind. On this privilege, and the probability of its being revived after the expiration of the term assigned for its duration, I could enlarge, but it does not strike me as necessary to go into further details, nor indeed could I at present find time for the purpose.

It will not escape you that the articles now under consideration will doubtless undergo many alterations before they assume that final form in which they will either be accepted or rejected; and, therefore, that it would not be proper to publish them at present. I think that in the course of a few weeks the questions now under discus-

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sion will be decided. No time shall be lost in communicating to you the result.

Another subject remains to be mentioned. It appeared to me advisable that our people should have precise and plain instructions relative to the prosecution of appeals and claims in cases of capture. For that purpose I applied to Sir William Scott, and requested him, in concert with Dr. Nicholl, to prepare them. We conversed on the subject, and I explained to him my views and objects.

On the 10th of September I received them, enclosed with the following letter from Sir William, which I insert on account of the friendly disposition towards our country which it manifests, and which appears to me to be less uncommon here than we generally suppose, viz :

To His Excellency John Jay, Esq. :

SIR: I have the honor of sending the paper drawn up by Dr. Nicholl and myself; it is longer and more particular than perhaps you meant, but it appeared to be an error on the better side rather to be minute than to be too reserved in the information we had to give; and it will be in your excellency's power either to apply the whole or such parts as may appear more immediately pertinent to the objects of your inquiry.

I take the liberty of adding, that I shall at all times think myself much honored by any communications from you, either during your stay here or after your return, on any subject in which you may suppose that my situation can give me the power of being at all useful to the joint interests of both countries; if they should ever turn upon points in which the duties of my official station appear to me to impose upon me an obligation of reserve, I shall have no hesitation in saying that I feel them to be such. On any other points in which you may wish to have an opinion of mine, you may depend on receiving one that is formed with as much care as I can use, and delivered with all possible frankness and sincerity.

I have the honor to be, with great respect, &c.,
WILLIAM SCOTT.

COMMONS, September 10, 1794.

Paper enclosed in the foregoing letter.

SIR: We have the honor of transmitting, agreeably to your excellency's request, a statement of the general principles of proceedings in Prize Causes in the British Courts of Admiralty, and of the measures proper to be taken when a ship and cargo are brought in as prize within their jurisdictions.

The general principles of proceeding cannot, in our judgment, be stated more correctly or succinctly than we find them laid down in the following extract from a report made to his late Majesty, in the year 1753, by Sir George Lee, then Judge of the Prerogative Court, Dr. Paul, His Majesty's Advocate General, Sir Dudley Ryder, His Majesty's Attorney General, and Mr. Murray, (afterwards Lord Mansfield,) His Majesty's Solicitor General:

"When two Powers are at war, they have a

right to make prizes of the ships, goods, and effects of each other upon the high seas. Whatever is the property of the enemy may be acquired by capture at sea; but the property of a friend cannot be taken, provided he observes his neutrality.

"Hence the Law of Nations has established that the goods of an enemy, on board the ship of a friend, may be taken.

"That the lawful goods of a friend, on board the ship of an enemy, ought to be restored.

"That contraband goods going to the enemy, though the property of a friend, may be taken as a prize; because supplying the enemy with what enables him better to carry on the war is a departure from neutrality.

"By the Maritime Law of Nations, universally immemorially received, there is an established method of determination whether the capture be or be not lawful prize.

"Before the ship or goods can be disposed of by the captor, there must be a regular judicial proceeding, wherein both parties may be heard, and condemnation thereupon as prize, in a Court of Admiralty, judging by the Law of Nations and Treaties.

"The proper and regular Court for these condemnations is the Court of that State to whom the captor belongs.

"The evidence to acquit or condemn, with or without costs and damages, must, in the first instance, come merely from the ship taken, viz: the papers on board, and the examination, *on oath*, of the master and other principal officers; for which purpose there are officers of Admiralty in all the considerable seaports of every maritime Power at war, to examine the captains and other principal officers of every ship brought in as a prize, upon general and impartial interrogatories; if there do not appear from thence ground to condemn as enemy's property or contraband goods going to the enemy, there must be an acquittal, unless, from the aforesaid evidence, the property shall appear so doubtful that it is reasonable to go into further proof thereof.

"A claim of ship or goods must be supported by the oath of somebody, at least as to belief.

"The Law of Nations requires good faith; therefore, every ship must be provided with complete and genuine papers, and the master, at least, should be privy to the truth of the transaction.

"To enforce these rules, if there be false or colorable papers; if any papers be thrown overboard; if the master or officers, examined *in prelatorio*, grossly prevaricate; if proper ships' papers are not on board; or if the master and crew cannot say whether the ship or cargo be the property of a friend or enemy, the Law of Nations allows, according to the different degrees of misbehavior or suspicion, arising from the fault of the ship taken, and other circumstances of the case, costs to be paid, or not to be received by the claimants, in case of acquittal or restitution; on the other hand, if a seizure is made without probable cause, the captor is adjudged to pay costs and damages; for which purpose all privateers are

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obliged to give security for their good behavior; and this is referred to and expressly stipulated by many Treaties.

"Though, from the ships' papers, and the preparatory examinations, the property does not sufficiently appear to be neutral, the claimant is often indulged with time to send over affidavits to supply that defect; if he will not show the property, by sufficient affidavits, to be neutral, it is presumed to belong to the enemy. Where the property appears, from evidence, not on board the ship, the captor is justified in bringing her in, and excused paying costs, because he is not in fault; or, according to the circumstances of the case, may be justly entitled to receive his costs.

"If the sentence of the Court of Admiralty is thought to be erroneous, there is in every maritime country, a superior Court of Review, consisting of the most considerable persons to which the parties who think themselves aggrieved may appeal; and this superior Court judges by the same rule which governs the Court of Admiralty, viz: the Law of Nations, and the Treaties subsisting with that neutral Power, whose subject is a party before them.

"If no appeal is offered, it is an acknowledgment of the justice of the sentence by the parties themselves, and conclusive.

"This manner of trial and adjudication is supported, alluded to, and enforced, by many Treaties.

"In this method all captures at sea were tried, during the last war, by Great Britain, France, and Spain, and submitted to by the neutral Powers; in this method, by the Courts of Admiralty acting according to the Law of Nations and particular Treaties, all captures at sea have immemorially been judged of in every country of Europe. Any other method of trial would be manifestly unjust, absurd, and impracticable."

Such are the principles which govern the proceedings of the prize Courts

The following are the measures which ought to be taken by the captor, and by the neutral claimant, upon a ship and cargo being brought in as prize:

The captor, immediately upon bringing his prize into port, sends up, or delivers upon oath, to the registry of the Court of Admiralty, all papers found on board the captured ship. In the course of a few days the examinations in preparatory of the Captain and some of the crew of the captured ship are taken upon a set of standing interrogatories, before the Commissioners of the port to which the prize is brought, and which are also forwarded to the registry of the Admiralty as soon as taken; a monition is extracted by the captor from the registry, and served upon the Royal Exchange, notifying the capture, and calling upon all persons interested to appear, and show cause why the ship and goods should not be condemned; at the expiration of twenty days the monition is returned into the registry with a certificate of its service, and, if any claim has been given, the cause is then ready for hearing, upon the evidence arising out

of the ship's papers, and preparatory examinations.

The measures taken on the part of the neutral master or proprietor of cargo, are as follows:

Upon being brought into port, the master usually makes a protest, which he forwards to London as instructions (or with such further directions as he thinks proper) either to the correspondent of his owners, or to the Consul of his nation, in order to claim the ship, and such parts of the cargo as belong to his owners, or with which he was particularly entrusted; or the master himself, as soon as he has undergone his examination, goes to London to take the necessary steps.

The master, correspondent, or Consul, applies to a proctor, who prepares a claim, supported by an affidavit of the claimant, stating briefly to whom, as he believes, the ship and goods claimed belong, and that no enemy has any right or interest in them. Security must be given to the amount of sixty pounds to answer costs, if the case should appear so grossly fraudulent on the part of the claimant as to subject him to be condemned therein.

If the captor has neglected, in the mean time, to take the usual steps, (but which seldom happens, as he is strictly enjoined, both by his instructions and by the prize act, to proceed immediately to adjudication,) a process issues against him on the application of the claimant's proctor, to bring in the ship's papers and preparatory examinations, and to proceed in the usual way.

As soon as the claim is given, copies of the ship's papers and examinations are procured from the registry, and upon the return of the monition, the cause may be heard. It, however, seldom happens (owing to the great pressure of business, especially at the commencement of a war) that causes can possibly be prepared for hearing immediately upon the expiration of the time for the return of the monition. In that case, each cause must necessarily take its regular turn; correspondent measures must be taken by the neutral master, if carried within the jurisdiction of a Vice-Admiralty Court, by giving a claim, supported by his affidavit, and offering security for costs, if the claim should be pronounced grossly fraudulent.

If the claimant be dissatisfied with the sentence, his proctor enters an appeal in the registry of the Court where the sentence was given, or before a Notary Public, (which regularly should be entered within fourteen days after the sentence,) and he afterwards applies at the registry of the Lords of Appeal in prize causes (which is held at the same place as the registry of the High Court of Admiralty) for an instrument called an inhibition, and which should be taken out within three months, if the sentence be in the High Court of Admiralty, and within nine months, if in a Vice-Admiralty Court, but may be taken out at later periods if a reasonable cause can be assigned for the delay that has intervened. This instrument directs the Judge, whose sentence is appealed from, to proceed no further in the cause. It directs the registry to transmit a copy of all the pro-

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ceedings of the inferior Court; and it directs the party who has obtained the sentence to appear before the superior tribunal to answer to the appeal. On applying for this inhibition, security is given on the part of the appellant, to the amount of two hundred pounds, to answer costs in case it should appear to the Court of Appeals that the appeal is merely vexatious. The inhibition is to be served upon the Judge, the Register, and the adverse party and his proctor, by showing the instrument under seal, and delivering a note or copy of the contents. If the party cannot be found, and the proctor will not accept the service, the instrument is to be served "*vis and modis*;" that is, by affixing it to the door of the last place of residence, or by hanging it upon the pillars of the Royal Exchange. That part of the process above described, which is to be executed abroad, may be performed by any person to whom it is committed, and the formal part at home is executed by the officer of the Court; a certificate of the service is endorsed upon the back of the instrument, sworn before a Surrogate of the Superior Court, or before a Notary Public, if the service is abroad.

If the cause be adjudged in a Vice-Admiralty Court, it is usual, upon entering an appeal there, to procure a copy of the proceedings, which the appellant sends over to his correspondent in England, who carries it to a proctor, and the same steps are taken to procure and serve the inhibition, as where the cause has been adjudged in the High Court of Admiralty. But if a copy of the proceedings cannot be procured in due time, an inhibition may be obtained by sending over a copy of the instrument of appeal, or by writing to the correspondent an account only of the time and substance of the sentence.

Upon an appeal, fresh evidence may be introduced, if, upon hearing the cause, the Lords of Appeal shall be of opinion that the case is of such doubt as that further proof ought to have been ordered by the Court below.

Further proof usually consists of affidavits made by the asserted proprietors of the goods, in which they are sometimes joined by their clerks and others acquainted with the transaction, and with the real property of the goods claimed. In corroboration of these affidavits may be annexed original correspondence, duplicates of bills of lading, invoices, extracts from books, &c. These papers must be proved by the affidavits of persons who can speak to their authenticity; and if copies or extracts, they should be collated and certified by public notaries. The affidavits are sworn before the magistrates or others competent to administer oaths in the country where they are made, and authenticated by a certificate from the British Consul.

The degree of proof to be required depends upon the degree of suspicion and doubt that belongs to the case. In cases of heavy suspicion and great importance, the Court may order what is called "*plea and proof*;" that is, instead of admitting affidavits and documents introduced by the claimants only, each party is at liberty to allege, in regular pleadings, such circumstances as may

tend to acquit or condemn the capture, and to examine witnesses in support of the allegations, to whom the adverse party may administer interrogatories. The depositions of the witnesses are to be taken in writing. If the witnesses are to be examined abroad, a commission issues for that purpose; but in no case is it necessary for them to come to England. These solemn proceedings are not often resorted to.

Standing Commissioners may be sent to America for this general purpose of receiving examinations of witnesses in all cases where the Court may find it necessary, for the purpose of justice, to decree an inquiry to be conducted in that manner.

With respect to captures and condemnations at Martinico, which are the subjects of another inquiry contained in your note, we can only answer in general, that we are not informed of the particulars of such captures and condemnations; but as we know of no legal Court of Admiralty established at Martinico, we are clearly of opinion that the legality of any prize taken there must be tried in the High Court of Admiralty of England, upon claims given in the manner above described, by such persons as may think themselves aggrieved by the said captures.

We have the honor to be, &c.,

WM. SCOTT,

JOHN NICHOLL.

COMMONS, September 10, 1794.

I take the liberty of advising that these instructions, with a proper title prefixed, be printed in a pamphlet, and published for general information.

You will find, herewith enclosed, a copy of instructions of the King and Council, revoking the order to capture neutral vessels laden with corn, &c., bound to France. A gazette of the 6th September, containing an order restraining impressments, &c., and a gazette of 9th September, containing a copy of the order of 6th August, relative to appeals and claims, of which copies have already been sent to you.

I have the honor to be, &c.,

JOHN JAY.

Mr. Jay to Mr. Randolph—No. 16.

LONDON, September 14, 1794.

SIR: Mr. Morris will, together with this, deliver to you a long letter from me, dated yesterday.

The negotiation proceeds; and I now have some reason to hope that the business of the North-western corner will be so managed as to cease to be an obstacle to agreement.

I have proposed that the further discussion of that matter be postponed until accurate surveys of the river be made by joint Commissioners, at joint expense; and I do flatter myself that this proposition will be adopted. Of this I cannot yet be certain, but it is, however, my present opinion that it will.

I have the honor to be, &c.,

JOHN JAY.

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P. S. I wrote to you (No. 14) 23d August last, by Captain Scott, to Boston. My letter of yesterday is No. 15.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, Sept. 17, 1794.

SIR: Your letter of July 9, 1794, referring to a long and particular letter of the 6th of the same month, having reached me yesterday, unaccompanied by the latter, we are thrown into a painful anxiety. My calculation has, however, been, that the Portuguese Minister, who is said to have arrived at New York from London the day before yesterday, may have been charged with it. As you speak of having closed it on the eighth, and by sending no duplicate in that of the ninth, you seem to have intended them both for the same vessel.

The copy of the acts passed during the last session of Congress were probably sent to New York from my office to you, as Chief Justice, and may have been forwarded from thence on the supposition of being destined for you in your diplomatic character. It will appear, from the enclosed list of papers transmitted to you from time to time, that no opportunity occurred to me, after the complete publication of those laws, until the 30th of July. Nothing has ever been enclosed to you without some explanatory notice of it.

The same list will show, if the letters noted there have not got to hand, how many have been written by me, and repeated by duplicates. In them the events which gave occasion to my correspondence with Mr. Hammond, and the expiration of the embargo, are detailed. The justice which you do me in suspecting that my letters were still on the way, I beg you to continue, as every occurrence bearing the most distant affinity to your mission has been immediately minuted down, and conveyed by the first vessel. But there is too much reason to fear that the reluctance of most Captains of ships to receive letters which contain a particle of politics; their readiness to surrender them to cruisers; and the little care taken of packets after they are landed, will disappoint both you and myself very frequently. In these times it is no small labor to search out the names and ports of vessels about to sail for Europe.

With the names of the new British Ministry before us, we predict nothing favorable to the United States, from this interweaving of parties. Without bringing a better disposition towards us, the projects may possibly render the operations of the Cabinet more cordial to the nation; and if Lord Dorchester's and Governor Simcoe's movements be indications of the purposes of Government; or the reports be true, that our vessels are still seized upon the old principles, without mercy, in Bermuda and the West Indies, any popularity of the Ministry is so much against us. My letter of August 30th, enclosing copy of Mr. Charles Williamson's of the 19th, together with another of the 12th instant, enclosing duplicates of the 18th and 30th of August, will develop the threat against the

settlement at Sodus; and in conjunction with John Kelly's affidavit, and Mr. Williamson's letter of the 1st instant, furnish the latest situation of this business.

You will have collected from my past letters that Thursday last, the 11th instant, was allotted for the taking of the votes in the insurgent counties of Pennsylvania, whether the terms settled between the Commissioners of Government and the committees appointed by them should be accepted; and yesterday for the report to Mr. Ross, one of those Commissioners, who undertook to attend at Uniontown, in Fayette county. We hope for a peaceable result; but the whole body of fifteen thousand militia are in motion, and incredible fervor has possessed all orders of people here; even many respectable Quakers have entered the volunteer ranks; three troops of horse and a large body of infantry are now in my view; the Jersey, Maryland, and Virginia militia, are advancing, in order to strike, if the overtures shall have been rejected. The insurrection will be quelled, be assured sir; and if any, to whom you may address yourself, shall draw inferences of disunion, and retract their good temper, they will be fatally disappointed. You will instantly call to mind the course of Governments and human nature; and be persuaded that the universal rising of a people against a handful of insurgents, scarcely the seventieth part of the Union, ignorant, poor, and unprovided with military means, will shoot the roots of the Government deep.

I have the honor to be, &c.,

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No. 17.

LONDON, September 18, 1794.

SIR: You will receive, herewith enclosed, duplicates of my letters of the 13th and 14th of this month, which were committed to the care of Mr. Robert Morris, jr., who was to have sailed last Monday, in the Sansom, Captain Smith, from New York; I have since heard that he did not sail on that day, and, indeed, I am not certain that the Sansom has yet left Deptford. The last of these letters was a very short one, intended merely to hint to you that I had reason to hope that the business of the Northwest corner might be so managed, as not to be an obstacle to a settlement.

I have prepared and submitted to the consideration of Lord Grenville, an article stating that it was uncertain and doubtful whether the Mississippi extended to the west line from the Lake of the Woods; and, consequently, whether our Northern and Western lines closed in that corner; stating, also, that it would be premature to decide on, and endeavor to settle these questions, and others connected with them, while the parties remained uninformed of the actual extent, and other material circumstances of the river; then providing that all discussions on these subjects be postponed until a survey of the river should be made; and lastly, directing that it be made by joint Commissioners at the joint expense, and specifying

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particularly the manner of its being done. Lord Grenville received, and conversed with me about this article, in his usual temperate and candid manner; and I expect in a few days to have his answer.

Facilities for our ships in the East Indies, and several other interesting matters are under consideration; and upon the whole, the probability of our finally agreeing increases.

We shall also, I think, agree that any payments which may be directed by the proposed Commissioners relative to the debts, shall be postponed to the evacuation of the posts; in short, sir, my opinion of the disposition of the Cabinet and great mass of the nation towards us, becomes more confirmed. At any rate, let temper and a little longer patience on our part, give the negotiation a fair chance; one of two things will then certainly result from it—either peace or, if war, union. To continue to prepare for war will be wise, to avoid unnecessary asperities and indications of ill will, would be equally so.

I have the honor to be, &c.,

JOHN JAY.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, Sept. 20, 1794.

SIR: The mail of yesterday from New York undeceived me in my expectation of your favor of the 6th of July, 1794, being in the hands of the Portuguese Minister, as I mentioned in the letter which I had the honor of writing to you on the 17th instant, acknowledging the receipt of yours of the 9th of July, and which will go, together with this, by the ———, destined to Liverpool. I have now before me your letters of the 6th, 12th, and 16th of July, 1794.

Answer to that of July 6th.

Your letters there referred to have come to hand. When you recollect the circumstances of the captures under the British instructions of November the 6th, you will not be surprised that none of them had been laid before Lord Grenville, or transmitted to Mr. Pinckney. The merchants had been, for a considerable time, invited by our Government to collect the various oppressions of our trade, and forward them to the Department of State. This induced the opinion that the Executive would take up the several cases on public ground; and they were, therefore, consigned to our management, except so far as appeals to England were entered. At the beginning of the last session of Congress, the President informed them by Message, that progress had been made in the assembling the various complaints, and afterwards a summary statement was reported to both Houses. The Senate required an abstract of each case, which produced a further delay; and the different fluctuations of temper, and diversity of projects, with respect to Great Britain, stagnated the measures of the Executive, and of the individuals interested, until the whole of the business was concentrated in your mission. But the call for particular cases by Lord Grenville is,

notwithstanding the frankness, candor, and promptness to discussion, hitherto shown by him, somewhat inauspicious. For, if the principle of these instructions is not to be relinquished, and compensation shall be admitted to be due only where some striking injustice or hardship shall be attached to peculiar examples, it will be only here and there that we shall be retributed, and our discontents will continue in their full asperity. And, indeed, we apprehend that a broad scale of satisfaction could not be contemplated by his lordship, when he expressed that there might be such a state of things as would render the interposition of Government proper and necessary to satisfy justice. However, I beg you to believe that, even if my conjectures on this head should unfortunately be true, there is not a man in the United States who is more thoroughly persuaded than myself, of your exertions to repel the consequences of an attempt to support the intolerable severity of the principle, without the sapping of which complete relief is scarcely to be expected.

The list of captures, with which you were furnished, was not intended to be more than the forerunner of the documents which have since reached you, and were to have been sent to you in ample form, by Mr. Higginson. But although Marston Watson's situation was not known at the time of my delivering his case to you, it has since turned out to be as appears in the enclosed short statement. Of the progress made by Mr. Higginson up to his death, you have been apprised in my letters of the 18th of July and 11th of August. His widow is possessed of several papers, probably records, which have been withheld from me, on account of their having come in a vessel infected with the yellow fever. As soon as they are purified I shall despatch them to you; and further measures will be pursued for obtaining the other records from the Admiralty Courts in the West Indies. But will you not have an immense labor, the duration of which cannot be easily foreseen, if you are personally to discuss each case, instead of leaving the minutiae (as was supposed to be best) to some subordinate characters?

Whatsoever may be necessary and proper to be said, on the part of the President, relative to the satisfactory reception given to you by the King and Queen, is submitted to your judgment.

I have the pleasure of informing you that the President approves of your letter to Lord Grenville, on the 3d of July, 1794; and while he is desirous of expedition in the conduct of the negotiation, he thinks, with you, that it ought not to be pushed beyond the dictates of prudence; but that it is expedient to be guided by occasions and circumstances, and to give every conciliatory application a fair experiment. It is his wish, too, that the characteristic of an American Minister should be marked, on the one hand, by a firmness against improper compliances, and on the other, by sincerity, candor, truth, and prudence, and by a horror of finesse and chicane. These ideas, however, will not oppose those temperate and firm representations which you meditate, should your present plan fail. For it is fair and indispensable,

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in the event of a rupture, to divide the nation from the Government. The system of peace begun by the President will be adhered to, so far as his functions are concerned, until he is driven from it by the British Government.

Before this letter arrives, Mr. J. Q. Adams will have presented himself to you, and obviated the inconveniences noticed in Mr. S. Bourne's letter to you.

Answer to that of the 12th of July, 1794.

The President approves the agreement that, during the present negotiation, and until the conclusion of it, all things remain and be preserved *in statu quo*. The War Department is instructed to issue correspondent orders, and the Department of State to notify the Governors in the neighborhood of those scenes to which the agreement relates.

Answer to that of the 16th of July, 1794.

The despatches to Mr. Hammond, enclosed in your letter of this date, were yesterday sent off by express to that gentleman.

The conduct of the Captain of the *William Penn* is a specimen of the numerous retardments which the negligence of persons in his line may bring upon our correspondence. His owners certainly gave the box most specially into his care. That you will find several papers, not very important to you, is certain; and I observed in a former letter that they were imperfect. Still it was necessary that they should be forwarded to you; and I am happy to discover that they have been acceptable to you. I have furnished, from time to time, everything which I could collect.

I can add nothing respecting the insurrection in the Western parts of this State, except that there is too much reason to conclude that several of the townships will hold out until the Militia shall approach them, or, perhaps shall have made themselves felt in some degree. The really leading, rich, and understanding men amongst them have, we believe, generally subscribed to be submissive to Government.

I have the honor to be, &c.,

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No. 18.

LONDON, October 2, 1794.

SIR: You will, I hope, receive my letters, viz: No. 15 and No. 16, by Mr. Robert Morris, jr., who lately sailed in the *Sansom*, for New York. Duplicates of them, and No. 17, were committed to the care of Captain Loxley, of the *Pigou*, for Philadelphia; those despatches are interesting.

This will be delivered to you by Captain Morgan, of the brig *Molly*, who will leave this place for Philadelphia this evening.

I can add nothing of importance to my late communications, except that we are occupied in endeavoring to incorporate the two projects into one, to be entitled a Treaty of Amity and Commerce. I have proposed several additional articles. My hopes of agreement are not abated, but still the

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issue is uncertain. I think a few weeks more will enable me to inform you of the final result of the negotiation.

On the 25th ultimo I received a few lines from you, by the way of Cork, of the 15th August, informing me "that Mr. James King, the owner of the schooner *Nancy*, the papers in whose case had been forwarded as far as they were received, had that moment laid before you a copy of the record. That, from the whole proceedings, it appeared that she was acquitted at Nassau, upon the payment of costs, and that the captors had appealed. That, as this vessel and her cargo came within the catalogue of spoiliations, you request me to give directions for the employment of counsel in behalf of the United States, unless some adjustment which I might make with the British Ministry, on general grounds, should supersede the necessity of such a step."

I am thus particular in reciting this letter, because it seems to countenance implications, and admit of doubts which embarrass me.

In the case of the schooner *Nancy*, you desire me to employ counsel in behalf of the United States.

From this I think I must conclude generally, that the prosecution of the appeal in *this case* is to be carried on by and at the expense of the United States, and that I am to act accordingly.

The reason assigned for this measure is, because this vessel and her cargo came within the catalogue of spoiliations.

Is it intended that the like measure should be taken with respect to all or any other vessel and cargoes within that catalogue? Or is this case regarded as discriminated from the others?

I wish to know precisely what is expected from me relative to these subjects; and be assured that I will faithfully endeavor to fulfil your intentions, whatever their latitude or limitations may be.

I have the honor to be, &c.,

JOHN JAY.

P. S. Be so obliging as to send the enclosed letter for Mrs. Jay by the post.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, October 11, 1794.

SIR: On the 7th current I was honored by your three letters of the 30th and 31st of July, and 2d of August, 1794; to-day, by your favor of the 21st of August, 1794.

By the conveyance of this letter, which is as yet unknown to me, I repeat duplicates of my former letters of the 12th, 17th, and 20th of September, with their several enclosures.

Having been absent from the practice of the law in Virginia for more than four years, I have written to a professional friend there for an accurate statement of the laws of that State relative to the evidence of book debts. His answer shall be forwarded. In the meantime, however, I have sufficient confidence in my knowledge of those laws up to July, 1790, and in my attention to the others which have been published at the close of each session since, to give the following informa-

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tion. To debts due to British subjects residing in Great Britain, by any of the inhabitants of the Colonies, a great facility of proof was afforded by the British statute of the 5th of George 2d, c. 7. This statute prevailed until the Revolution; when, with all other acts of Parliament not specially adopted, it necessarily expired. It is worthy, too, of remark, that the date of its enactment is long subsequent to that era at which British legislation ought to have ceased. I mean the 4th of James the 1st, which was the general limitation of the operation of British statutes in Virginia even before the war; although, indeed, you recollect a principle which our inability to resist sanctified, that statutes, after that epoch, expressly naming the Colonies, were permitted to operate. The advantages which the *ex parte* proof, warranted by the statute, gave to the British resident, were immense. But it is generally understood, though I believe it has never been adjudged, that this privileged form of evidence was not so much of the essence of the contract as to be revived with it.

In the year 1748 the act of Assembly, No. 1, was passed upon the same subject, and continued in force until the year 1780, in the May of which year, a new act, No. 2, was substituted.

I happened to be Clerk of the House of Delegates in Virginia when this last act was moved. The reason assigned was to abolish credit in merchandise, the facility of which had transferred multitudes of fortunes to transatlantic creditors. I recollect, too, that the nation which could give the longest credit, and speak our language, was considered as having too great an ascendancy over its competitors; and this law was designed to produce equality in the struggle by extinguishing credit. However, the consequence is, that the rule bears upon all people, British, French, Americans, and even Virginians in particular. Not a shilling of the old British debts can be affected. Who, then, can complain? I firmly believe that no posterior regulation of the evidence of both debts is admitted in Virginia.

Be assured, sir, that I will co-operate with you *here*, in the very laudable example of moderation which you have set on the other side of the water. I wish that I had any reason to expect a return of temper from the British Minister with us. But he shall not lead me astray.

October 13. Your favors of August 8th and 9th are now received.

If the instructions which Sir William Scott shall prepare, relate in any part to the giving of security, do not Higginson's, of which you carried a copy, show that the Government means to sustain the expenses of prosecution? I take the liberty of hinting this, that the demand for security may create no delay.

The impatience of the people is as great as you apprehend, and I am therefore more communicative than perhaps I should be on any other occasion. For I have, in an unauthoritative way, published the substance of some portion of your intelligence. You will find it in Fenno's papers of the 23d September and 8th instant. But I

persuade myself that nothing has been indiscreetly divulged.

The President being at Carlisle, I have forwarded to him copies of your letters noted above; together with another which I presumed to be private, and therefore did not open under the general license which he left with me. He will proceed to Bedford, where almost the whole force will unite, and he will decide whether to lead the army into the insurgent country, or to return to the meeting of Congress on the 3d of next month. I rather believe that he will return, because the submission to the laws is now nearly, if not absolutely universal; and the corps which may be required to overawe any latent spark of insurrection, and its object, are too small to demand his immediate presence.

October 18. Yesterday I had the honor of receiving your favor of the 23d of August.

The intimation of your wish that I should acknowledge your different letters, must have been found by you before this day to be strictly attended to. The importance of it is so obvious, that I have made it a standing memorandum.

I shall immediately publish your communications, exchanged with Lord Grenville, and contained in your letter No. 10. This would have been done upon their coming to hand, but the delicacy of giving in form parts of an incomplete negotiation had restrained me. This is now removed by your letter of the 23d of August, and I feel the propriety of sending them into public so fully, that I will venture to presume upon the President's approbation.

The order of His Britannic Majesty in council, when I first read it, appeared to me to call for some special agent to be appointed by the persons interested. But I own that I have much doubt whether the powers vested in you do not lead to an expectation that you would cause this branch of the business to be executed by some subordinate characters. However, I am to meet the merchants concerned this morning at 11 o'clock, when I shall converse with them on this subject, and will subjoin the result.

October 19. The merchants are much gratified by your exertions. But they were too numerous for the doing of real business, and therefore I requested them to appoint a standing committee, who should occasionally confer with me. They have accordingly nominated five, of whom Mr. Fitzsimons is the first, and I am to receive their sentiments to-morrow.

The enclosed report, from the Commissioners of the Union, completes the history of the insurrection as far as we have it, except that the mission of Messrs. Findley and Reddick to the President, as described in the late resolutions at Parkinson's Ferry on the 2d instant, has been too equivocal to justify an absolute suspension of the march of the army.

Mr. Higginson's death is no small embarrassment to us. His outfit and expenses have amounted to no inconsiderable sum, and the fruit has been small. The apprehension created by his fall of the savages of the yellow fever in the West In-

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dies, has rendered it impossible to procure another agent of sufficient fitness. Mr. Fitzsimons some time ago seemed to think that the appointment of a new agent had better be postponed, until something definite should come from you. This was not my opinion; but we were obliged to acquiesce, as no proper successor appeared to our view. I have no doubt that you will see the necessity of entering into some stipulation, which may prevent the sufferers under British depredation from being barred by the time, which, under these circumstances, may elapse before the appeals and claims can be filed.

I have sent instructions to Bermuda for procuring the records of condemnation there. But, from every account, Bridges Goodrich, who is the Prince of Privateers, is so unbounded in his influence over all classes of men in that island, that he may contrive to retard the copies. Indeed, the captures by cruisers, issuing thence, are more numerous than ever, and are multiplying every day. I am hourly asked how these things accord with pacific intentions.

The yellow fever, whatsoever may have been said to the contrary, has produced no alarm, no removal from this city; and if it was imported at all, the instances of its prevalence were few, and the traces of it are now absolutely obliterated. In Baltimore it is supposed to have been severe, but even there it has perfectly vanished.

General Wayne's success is announced in the paper of Bache, of October 2d.

I have the honor, sir, to be, &c.,

EDM. RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, October 20, 1794.

SIR: My letter of the 11th instant, concluding with the date of the 19th, has been sent to Mr. Pragers, whose vessel goes for Amsterdam ultimately, but intermediately for an English port.

Having left the completion of the references in that letter to another hand, I now find that the report of the Commissioners has been omitted; and hasten to supply the defect by the same conveyance.

Nothing has yet transpired from the President since the 10th instant. I suspect that he has proceeded to Fort Cumberland. Still I remain under the persuasion that military opposition from the insurgents is not to be expected; although it may be expedient to adopt arrangements for continuing a certain force to cover the officers of excise, and the officers for arresting the delinquents, for a considerable time hence; the representations of Findley and Reddick, as mentioned in Brown's paper, enclosed yesterday, not being so satisfactory as to render, according to my judgment, the return of the whole militia proper.

Your letter, No. 10, will not be published with your memorial and Lord Grenville's answer, unless the President shall direct it. The following are my reasons: 1. That the substance of it has been already published, with circumstances indicating its truth, though not with any formal au-

thenticity; 2d. That we shall be immediately charged with preparing the public mind for yieldings and sacrifices; 3. Because nothing being said of the posts, the cavillers would break out with idle stories (which, although they need not be feared, need not be courted) that the posts are passed over as of scarcely any concern; and thus unpleasant impressions may uselessly be left on the minds of many; 4. Because I have read the letter to those here who are alone interested, and who will communicate it to the others in different quarters, who are alike interested; and thus all who have any business with it will know it, and none will be ignorant, except those whose affair it is not; and 5. Because it not being absolutely necessary to be posted in a newspaper, both you and ourselves will be more the masters of the whole matter at its winding up.

The mode of conveyance precludes the sending of our newspapers, as they would certainly be rifled if dropped at an outpost.

I have the honor to be, &c.,

EDM. RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, October 29, 1794.

SIR: Duplicates of the two last letters which I had the honor of writing to you on the 19th and 20th current, will accompany this letter. They are intended to go by the Wilmington, for Bristol, from this port.

On Tuesday next, the *Adriana* will carry to London Mr. Samuel Bayard. In consequence of your recommendation that an agent should be sent, that gentleman goes over with the approbation of the merchants of this city interested in British captures, for the objects designated in your favor of the 23d August. When I convened them for the purpose of consultation, they seemed to have great reluctance to meddle at all in a business which they considered as taken wholly into the hands of Government. But, after many explanations and remarks, which passed between us, they resolved to appoint a committee, who should act in concert with me. That committee accordingly wrote to me the enclosed letter.

I accepted their proposal as there expressed, because I knew it to be consentaneous to the views of the President, who has this day signified his approbation. The merchants will immediately push on the appeals and claims as fast as the documents can be forwarded to London by their correspondents in the islands. Too much time cannot be allowed for this purpose, all difficulties being considered. We were all embarrassed by the inquiry whether it was necessary that these appeals and claims should be entered in the islands. I did not myself doubt, that negotiation might change the course of Admiralty Courts, so as to permit them to be instituted in England. But it did not sufficiently appear that this was your meaning. I therefore proposed that the persons who procured the records in the West Indies should file appeals and claims there, if, contrary to my expectation,

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it should be required in ordinary practice. This, they replied, was impracticable, alleging that neither their own credit, nor that of the United States, could obtain the enormous security which is demanded. So much of the fact as relates to the United States is verified by one of Mr. Higginson's letters, and what relates to themselves comes from a pure source. I therefore suggested this expedient: that Mr. Bayard should immediately on his arrival apply to you for information, whether the appeals and claims must begin in the islands: that, if this should be found to be according to the usual course required, you should be requested, if it were possible, and proper under all circumstances, to attempt to except from the general rule those instances in which security would be so serious a difficulty, and so great an impediment to justice: that, if this modification were unattainable, you would endeavor to stipulate for the giving of security in England: and, if at length nothing could be done but in the West Indies, letters of credit might be solicited from some mercantile houses in London to their correspondents in the islands, to induce them to join in the necessary bonds.

The President has confirmed this further branch of the arrangement, and Mr. Bayard can be used by you, in the execution of it, in any manner most agreeable to yourself. Although no special clause is inserted in your instructions with an eye to this shape of the affair, yet it cannot be necessary to send you formal and ostensible powers, to enable you to authorize Mr. Bayard to execute bonds, or to seek out those letters of credit. But you are hereby at the most ample liberty to vest him with the authority necessary for effectuating the foregoing purposes. This is particularized, lest you should not coincide in the opinion which I hinted in my letter of the 20th of September last, that, from the expression which relates to security in Higginson's instructions, and the latitude of your own powers, you might delegate such an authority, even without a special declaration to that effect in this place.

For the reasons assigned in my letter of the 11th instant, the President concurs in the measure of not publishing yours, No. 10. The memorial and answer which it contained are running through all the papers of the United States.

The return of the President from the Militia Army confirms, what I have often written to you, that the insurrection will not venture to show any degree of military opposition. Many of the insurgents have been arrested in different quarters, where their force, if they had any, must have been; but the arrests were perfectly quiet, and free from resistance. The Army has, however, marched to the centre of the disaffected counties, to impress and overawe. Some force will, no doubt, be left behind to complete the work. I shall endeavor to send, by Mr. Bayard, the speech which the President will deliver to Congress some time in the next week, as I presume that he will think the insurrection too important a subject to be passed over without notice. The newspapers will go by the same opportunity.

To prove to you the thoughtless severity which the British captains are disposed to exercise upon our citizens, under the name of piracy, I enclose to you my letter of the 23d instant to Mr. Hammond, and his disavowal of what Captain Cochran declares to be his orders.

I also enclose Mr. Hollin's letter, and shall inform him that I mean to transmit it to you, that it may pass into the agent's hands.

I shall write again by Mr. Bayard, and, in the meantime, have the honor to be, with sentiments of the highest respect and esteem,

EDMUND RANDOLPH.

Mr. Jay to Mr. Randolph—No 19.

LONDON, October 29, 1794.

SIR: I have been favored with yours of the 15th, 18th, and 30th of August, and of the 5th, 12th, 17th, and 20th of September last.

Although I have materials for another letter as long and particular as the one which I had the honor of writing to you on the 13th of September, yet sufficient time for details cannot possibly be spared from the business of the negotiation. I must confine myself to generals, and postpone a minute statement of the transactions which have taken place since the date of that letter to a future opportunity.

You have been informed that we had agreed to incorporate the two projects, viz: of a settlement and of a Commercial Treaty. I undertook this business, and prepared a draught, including most of the articles in those two, and adding several others, but all of them for mutual consideration. From these, Lord Grenville, extracting several, omitting some and adding others, formed a new draught. Difficulties have appeared, and been discussed; some have been removed, some lessened by proposed modifications, and a few still remain. It was proposed that goods for the Indian trade should pass from Canada to the Indians within the United States, duty free: to this I could not consent. It has been proposed that alien tonnage and impost should cease: to this there also appeared to me to be very strong objections. I think the former may be yielded, in some degree, to us; as to the latter, I cannot yet form a judgment.

We spent several hours on Friday and yesterday in these discussions, and they will be resumed to-morrow morning. I perceive nothing that indicates a desire to protract, and I think it cannot be long before the negotiation terminates either in a Treaty, or in a certainty that an amicable settlement is impracticable.

All propositions relative to a new line in our Northwestern corner are suspended. We have agreed that the river shall be surveyed, and its source ascertained. I think Canada and its Indian trade will be opened to us, but not the navigation of the St. Lawrence from the sea.

Although a more early day than the 1st of June, 1796, cannot be had for the evacuation of the posts, (for reasons which shall hereafter be mentioned) yet we agreed yesterday to add, "the

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United States, in the meantime, extending their settlements to any parts within their boundaries, except within the precincts of any of the posts."

I wish to take particular notice of your letters, but really, sir, I cannot do it now.

I feel very sensibly the confidence reposed in me by the permission to take such notice of my reception here as I might judge proper. The following is a copy of the letter which I have written to Lord Grenville on that subject:

ROYAL HOTEL, PALL MALL, Oct. 27, 1794.

MY LORD: The President, having been informed of the gracious reception with which their Majesties were pleased to honor me, has made it my duty to assure them of the sense he entertains of that pleasing mark of attention to the United States. He flatters himself that a negotiation, commenced under such favorable auspices, and conducted with a correspondent disposition to conciliation, will terminate in a settlement mutually satisfactory and beneficial.

He requests His Majesty to be persuaded that he will continue to promote every measure that may conduce to this desirable event; and that the United States will, with pleasure and alacrity, cherish the concord and good will which will naturally result from it. I am convinced, my lord, that this communication will derive advantages from the manner in which you will convey it to their Majesties; and I am the more gratified in addressing it to your lordship, as an additional opportunity is thereby afforded me of assuring you of the respect and esteem with which I have the honor to be your lordship's, &c.

The Right Hon. LORD GRENVILLE, &c.

I am preparing an official representation touching unfriendly interferences with the Indians, and I have reason to believe that a satisfactory answer will be given to it.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, Nov. 3, 1794.

SIR: I do myself the honor of writing to you merely to inform you that I have now received an assurance from Mr. Marshall, (whom you know,) of Virginia, that the statement which I made to you in my letter of the 29th ult., on the evidence of the British debts, is accurate. Mr. Bayard sails on the 6th instant, by whom I shall enclose a copy of Mr. Marshall's information and of the President's speech.

There was not a sufficient number of either House of Congress to proceed to business to-day. To-morrow a quorum is certainly expected.

I have the honor to be, &c.,

EDM. RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, Nov. 7, 1794.

SIR: Notwithstanding Monday last was appointed for the meeting of Congress, a quorum of neither House then appeared. On Tuesday the Representatives assembled in sufficient numbers,

but the Senators are yet four short of a majority. This stagnates the communication from the President, and deprives me of an opportunity of adding more at present than the enclosure of Mr. Marshall's letter, mentioned in mine of the 3d instant, and the great respect and esteem with which I have the honor to be, sir, &c.,

EDM. RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, Nov. 8, 1794.

SIR: There is no prospect of Congress assembling until the day after to-morrow, and Mr. Bayard is compelled, by the sailing of the *Adriana*, to leave us to-morrow; I am therefore deprived of the pleasure of sending you the President's speech.

My answer to the letter of the committee of merchants, which I had the honor of enclosing to you on the 29th ultimo, is now forwarded, together with the newspapers.

Permit me to remark to you, that there are some cases of spoliation and vexation, which do not strictly come within the compass of Admiralty jurisdiction, or have been denied relief, and are not, as far as I can discover, within the stipulations between yourself and Lord Grenville: for example, plundering of goods; violence to the person; loss of freight, &c., where an acquittal has taken place, or no trial has been had. I own that these instances, especially where they have never been before a Court, do not admit an easy remedy, if the amenability of the British Government be considered, because they have probably proceeded from privateers; and, having never been brought before a Court, that Government cannot readily obtain cognizance of them. However, if it be practicable to make a reservation for the introduction of them before Commissioners, or in any manner which can ultimately create a resort to that Government for satisfaction, it will be extremely acceptable to the persons interested. As to the refusal of redress by the Courts, perhaps this reservation may be obtained.

Mr. Fitzsimons has just informed me that, when Martinique and Gaudaloupe were taken, a very large property of American merchants was found in the warehouses there, and carried off or destroyed. I asked him for the documents and proofs: he has promised to send them. If such losses are susceptible of a remedy, I am persuaded that your attention will be drawn to them.

The duplicates now sent are of the following dates: October 29, November 3d and 7th, 1794, together with their several enclosures.

I have the honor to be, sir, &c.,

EDM. RANDOLPH.

[NOTE.—The following despatches from Mr. Jay, and letters from the Secretary of State, with the exception of despatch No. 22, were not communicated to the Senate with the Treaty.]

Mr. Jay to Mr. Randolph—No 20.

LONDON, November 5, 1794.

SIR: It has now become almost certain that the draught of the Treaty will soon be perfected,

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and that when finished, it will, instead of being concluded, be sent to you for the consideration of the President; further instructions to me will then become necessary. I shall, when I send it, write to you on the subject as particularly as may be necessary, or as the time may admit.

With the best wishes for your health and happiness, I have the honor to be, sir, your most obedient and humble servant,

JOHN JAY.

The Hon. EDM. RANDOLPH,
Secretary of State, &c.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, Nov. 12, 1794.

SIR: Last evening I had the honor of receiving, through Mr. Morris, your favor of the 13th and 14th of September.

Although the immediate departure of the William Penn leaves too short a time for a copious reply to them, I must, after enclosing a duplicate of my letter of the 8th instant, trouble you with a few remarks on those points which attract notice on the first view.

The reasoning of Lord Grenville, in relation to the negroes, is so new to me, as are his observations on the first aggression, that their accuracy cannot be assented to without the fullest reflection.

Is there not some mistake in the copy of Lord Grenville's proposition for surrendering the posts, when the time is fixed to June, 1796? You proposed June, 1795; but, having made no comment on this extension of the epoch of delivery, you give reason to suppose that 1796 ought to be 1795: for such an epoch must be obviously unnecessarily long, and it is perhaps deserving of consideration whether, during so great an interval they will not be able to enter into more injurious arrangements of the Indian trade than they could if we should be their neighbors at Detroit a twelve-month sooner?

In the articles enumerated in your instructions, as heads of a Commercial Treaty, the leading idea was briefly stated, as, in most instances, it had been extracted from other Treaties subsisting between the United States and other nations. But it was not understood that privateering commissions were to be withheld from our citizens in case of a war between us and Great Britain; especially as Treaties are dissolved by war, unless some special provision is made for the continuance of certain stipulations even in time of war. No such provision exists in the short clause respecting privateering commissions; it being intended merely that the citizens or subjects of either nation, being neutral, should not engage in privateering against the other. To restrict privateers, on the event of a war between us and Great Britain, would cut up a most effectual resource for naval defence. Although Lord Grenville's counter-proposition seems to continue the right of privateering in full force, I am directed by the President to inform you, for the sake of preventing any mistake, that it is his earnest desire that such an agreement may not be concluded.

Ought not future inheritances in land, as well as present, be permitted to the people of either country, in the other?

May not Lord Grenville's stipulation for British subjects, and the Indians within our limits, to carry on trade as usual in the Northwestern country, produce great embarrassment, and all the heart-burnings of rivalry?

I am afraid that the terms *irregular* and *illegal* are not sufficient when applied to the captures of our vessels, to let many of them into compensation.

Among the correspondence which you carried with you between Mr. Jefferson and Mr. Hammond, you will find letters which prove that, for captures made by vessels armed in our ports, within certain periods, we ought not to be accountable. The propositions seem to go the whole.

The instructions of the 8th of June, 1793, are, in substance, renewed upon us by one of Lord Grenville's propositions.

I am suspicious that the phrase relative to the exception of prior Treaties, to wit: "in all cases in which they do not apply," will, at some future day, be tortured to a sense which probably is not intended by Lord Grenville now. Suppose that it should be insisted that the French Treaty does not apply, because the Government is so essentially changed? I do not think that fair construction will justify such a sentiment; but it will not be amiss to exclude its possibility.

The commercial project will be immediately examined: for we cannot, at this early moment, discover whether it be probable that the concessions will be such as to induce you, under your powers, to sign a Commercial Treaty, or to digest only; nor can we so immediately appreciate the different parts of the project.

If the prohibition to sell French prizes should commence sooner than the termination of the war, we shall be placed in very great difficulties; and I am pleased to observe that you are impressed with the force of this idea.

I have laid the opinion of Dr. Nicholl and Sir William Scott before the merchants. We shall endeavor to give it its full effect.

These ideas are not felt by me to be in all respects accurate. I shall revise them, and shall particularly keep in view that both the language and matter of the propositions will undergo great alterations and new arrangements. But I will take the liberty of suggesting that it may be well to avoid, as much as possible, postponements of final settlements. You know from history that Commissioners, who meet after a peace, are very apt to sow the seeds of war.

I have the honor to be, sir, with great respect and esteem your most obedient servant,

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No 21.

LONDON, November 17, 1794.

SIR: A Treaty agreed upon and copied, I expect, will be signed to-day or to-morrow, and sent by the packet.

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In my letter, No. 19, dated the 29th October, I mentioned that I had written a letter to Lord Grenville on the subject of my reception here; of that letter I sent a copy, but the answer had not then been received. I now subjoin copies of both, and have the honor to be, sir, your most obedient humble servant,

JOHN JAY.

The Hon. EDM. RANDOLPH,
Secretary of State, &c.

To the Right Honorable Lord Grenville, &c., &c.

ROYAL HOTEL, PALM MALL, Oct. 27, 1794.

MY LORD: The President having been informed of the gracious reception with which their Majesties were pleased to honor me, has made it my duty to assure them of the sense he entertains of that pleasing mark of attention to the United States. He flatters himself that a negotiation commenced under such favorable auspices, and conducted with a correspondent disposition to conciliation, will terminate in a settlement mutually satisfactory and beneficial. He requests His Majesty to be persuaded that he will continue to promote every measure that may conduce to this desirable event; and that the United States will, with pleasure and alacrity, cherish the concord and good will which will naturally result from it.

I am convinced, my lord, that this communication will derive advantages from the manner in which you will convey it to their Majesties; and I am the more gratified in addressing it to your lordship, as an additional opportunity is thereby afforded me of assuring you of the respect and esteem with which I have the honor to be, my lord, your lordship's most obedient, humble servant,

JOHN JAY.

To John Jay, Esquire, &c.

DOWNING STREET, October, 1794.

SIR: I have taken the earliest opportunity to lay before the King your letter of the 27th inst., and I have it in command to express to you the satisfaction which His Majesty has derived from the sentiments which you have been charged to convey to me on the part of the President of the United States; and to assure you that there exists, on His Majesty's part, the same disposition towards the object of conciliation and friendship.

I trust you are convinced of the satisfaction which those who are honored with His Majesty's confidence will always feel in executing, to the best of their power, His Majesty's intentions in this respect.

It has, on that account, been matter of the greatest satisfaction to me that, in the course of a negotiation directed to the attainment of this desirable object, I have to treat with a Minister whose dispositions and conduct are so well calculated to promote it. I trust, with no small degree of confidence, that the final issue of our joint endeavors will be such as, I am persuaded, we both wish; but, in every case, I shall always retain those sentiments of the most sincere respect and

esteem, with which I have the honor to be, sir, your most obedient, humble servant,
GRENVILLE.

Mr. Jay to Mr. Randolph—No. 22.

LONDON, November 19, 1794.

SIR: The long expected Treaty accompanies this letter; a probability of soon concluding it has caused the packet to be detained for more than a week. The difficulties which retarded its accomplishment frequently had the appearance of being insurmountable; they have at last yielded to modifications of the articles in which they existed, and to that mutual disposition to agreement which reconciled Lord Grenville and myself to an unusual degree of trouble and application. They who have levelled uneven grounds, know how little of the work afterwards appears.

Since the building is finished, it cannot be very important to describe the scaffolding, or go into all the details which respected the business. Explanatory remarks on certain articles might be useful, by casting light on governing principles, which, in some instances, are not so obvious as to be distinctly seen on the first view. Feeling the want of leisure and relaxation, I cannot undertake it in this moment of haste. I must confine myself to a few cursory observations, and hope allowances will be made for inaccuracies and omissions.

My opinion of the Treaty is apparent from my having signed it. I have no reason to believe or conjecture that one more favorable to us is attainable.

Perhaps it is not very much to be regretted that all our differences are merged in this Treaty, without having been decided; disagreeable imputations are thereby avoided, and the door of conciliation is fairly and widely opened, by the essential justice done, and the conveniences granted to each other by the parties.

The term limited for the evacuation of the posts could not be restricted to a more early day; that point has been pressed. The reasons which caused an inflexible adherence to that term, I am persuaded, were these, viz: That the traders have spread through the Indian nations goods to a great amount; that the returns for those goods cannot be drawn into Canada at an earlier period; that the impression which the surrender of all the posts to American garrisons will make on the minds of the Indians cannot be foreseen. On a former occasion it was intimated to them (not very delicately) that they had been forsaken, and given up to the United States; that the protection promised on our part, however sincere, and however, in other respects, competent, cannot entirely prevent those embarrassments which, without our fault, may be occasioned by the war; that, for these reasons, the traders ought to have time to conclude their adventures, which were calculated on the existing state of things; they will afterwards calculate on the new state of things; but that, in the mean time, the care of Government should not be withdrawn from them.

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The third article will, I presume, appear to you in a favorable light; a number of reasons which, in my judgment, are solid, support it. I think they will, on consideration, become obvious. It was proposed and urged that the commercial intercourse opened by this article ought to be exempted from all duties whatever on either side. The inconveniences which we should experience from such a measure were stated and examined; it was finally agreed to subject it to native duties. In this compromise, which I consider as being exactly right, that difficulty terminated; but for this compromise the whole article would have failed, and every expectation of an amicable settlement been frustrated. A continuance of trade with the Indians was a decided ultimatum; much time and paper, and many conferences were employed in producing this article; that part of it which respects the ports and places on the eastern side of the Mississippi, if considered in connexion with the ——— article in the Treaty of Peace, and with the article in this Treaty which directs a survey of that river to be made, will, I think, appear unexceptionable.

In discussing the question about the river St. Croix, before the Commissioners, I apprehend the old French claims will be revived; we must adhere to Mitchell's map. The Vice President perfectly understands this business.

The sixth article was a *sine qua non*, and is intended as well as calculated to afford that justice and equity which judicial proceedings may, on trial, be found incapable of affording. That the Commissioners may do exactly what is right, they are to determine according to the merits of the several cases, having a due regard to all the circumstances, and as justice and equity shall appear to them to require.

It is very much to be regretted that a more summary method than the one indicated in the seventh article could not have been devised and agreed upon for settling the capture cases; every other plan was perplexed with difficulties, which frustrated it. Permit me to hint the expediency of aiding the claimants, by employing a gentleman, at the public expense, to oversee and manage the causes of such of them as cannot conveniently have agents of their own here; and whether, in some cases, pecuniary assistance might not be proper. I do not consider myself at liberty to make such an appointment, nor to enter into any such pecuniary engagements. It would, probably, be more easy to find a proper person on your side of the water than on this. Here there are few fit for the business, and willing to undertake it, who (having many affairs of their own to attend to) would not be tempted to consider the business of the claimants in a secondary light; several objections to giving him a fixed salary are obvious; in my opinion a moderate commission on the sum to be recovered and received, would be a more eligible method of compensating him for his services. Our Consul here talks, and, I believe, in earnest, of returning to America, or I should expect much advantage from his zeal and endeavors to serve such of the claim-

ants as might commit their business to his management.

You will find in the eighth article, a stipulation which, in effect, refers the manner of paying the Commissioners very much to our election. I prefer paying them jointly; the objection to it is, that the English pay high. I have always doubted the policy of being penny-wise.

The Lord Chancellor has prepared an article respecting the mutual admission of evidence, &c., which we have not had time fully to consider and decide upon; it contains a clause to abolish alienism between the two countries. His lordship's conduct and conversation indicate the most friendly disposition towards us; a copy of his article shall be sent, and I wish to receive precise instructions on that head.

The credit of some of the States having, to my knowledge, suffered by appearances of their being favorable to the idea of sequestrating British debts on certain occasions, the tenth article will be useful. Persons wishing to invest their property in our funds and banks, have frequently applied to me to be informed whether they might do it without risk of confiscation or sequestration; my answer has been uniform, viz: that, in my opinion, such measures would be improper, and therefore, that, in my opinion, they would not be adopted; some pressed me for assurances, but I have declined giving any.

The twelfth article, admitting our vessels of seventy tons and under, into the British West Indies, affords occasion for several explanatory remarks. It became connected with a proposed stipulation for the abolition of all alien duties, of every kind, between the two countries. This proposition was pressed, but strong objections opposed my agreeing to it; a satisfactory statement of the negotiation on this point would be prolix; at present, I cannot form a very concise one, for that would not require less time: the selection and arrangement necessary in making abridgments, cannot be hastily performed. The duration of this article is short, but if we meet the disposition of this country to good humor and cordiality, I am much inclined to believe it will be renewed; the duration of the Treaty is connected with the renewal of that article, and an opportunity will then offer for discussing and settling many important matters.

The article which opens the British ports in the East Indies to our vessels and cargoes, needs no comment. It is a manifestation and proof of good will towards us.

The questions about the cases in which alone provisions become contraband, and the question whether, and how far, neutral ships protect enemy's property, have been the subjects of much trouble, and many fruitless discussions. That Britain, at this period, and involved in war, should not admit principles which would impeach the propriety of her conduct in seizing provisions bound to France, and enemy's property on board of neutral vessels, does not appear to me extraordinary. The articles, as they now stand, secure compensation for seizures, and

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leave us at liberty to decide whether they were made in such cases as to be warranted by the existing Law of Nations; as to the principles we contend for, you will find them saved in the conclusion of the twelfth article, from which it will appear that we still adhere to them.

The articles about privateers were taken from the Treaty of Commerce between Great Britain and France, and the one for treating natives, commanding privateers, as pirates, in certain cases, was partly taken from ours with Holland.

The prohibition to sell prizes in our ports had its use; and we have no reason to regret that your instructions to me admitted of it.

Various articles, which have no place in this Treaty, have, from time to time, been under consideration, but did not meet with mutual approbation and consent.

I must draw this letter to a conclusion: Lord Grenville is anxious to dismiss the packet as soon as possible.

There is reason to hope that occasions for complaint on either side will be carefully avoided. Let us be just and friendly to all nations.

I ought not to omit mentioning the acknowledgments due from me to Mr. Pinckney, with whom I have every reason to be satisfied, and from whose advice and opinions I have derived light and advantage in the course of the negotiation. His approbation of the Treaty gives me pleasure, not merely because his opinion corresponds with my own, but also from the sentiments I entertain of his judgment and candor.

It is desirable that I should have the earliest advice of the ratification; and be enabled to finish whatever may be expected of me, in season to return in one of the first Spring vessels. My health is not competent to a Winter's voyage, or I should be the bearer of the Treaty. This climate does not agree with me, and the less so on account of the application and confinement to which it was necessary for me to submit.

I had almost forgotten to mention that, on finishing and agreeing to the draught of the Treaty, I suggested to Lord Grenville, as a measure that would be very acceptable to our country, the interposition of His Majesty with Algiers, and other States of Barbary, that may be hostile to us. This idea was favorably received, and it is my opinion that this Court would, in good earnest, undertake that business, in case nothing should occur to impeach the sincerity of that mutual reconciliation which it is to be hoped will now take place.

It will give you pleasure to hear that great reserve and delicacy has been observed respecting our concerns with France. The stipulation in favor of existing Treaties was agreed to without hesitation; not an expectation, nor even a wish has been expressed that our conduct towards France should be otherwise than fair and friendly. In a word, I do not know how the negotiation could have been conducted, on their part, with more delicacy, friendliness, and propriety, than it has been from first to last.

I have the honor to be, &c.,

JOHN JAY.

Mr. Jay to Mr. Randolph—No. 23.

LONDON, November 20, 1794.

SIR: I received last night a letter from Lord Grenville, of which the following is a copy:

DOWNING STREET, November 19, 1794.

SIR: I have the honor to transmit to you the papers which you have already seen relative to the claims of certain persons having rights of remainder, or other interests in estates, confiscated in America during the late war, but whose rights or interests, according to justice, and the established laws under which those estates were held, could not be affected by such confiscation.

I have no doubt, both from the justice of the case itself, and from what has passed between us respecting it, that if, on inquiry in America, it should appear that any impediments to the prosecution of such claims in the ordinary course of justice have existed, or still exist, these cases will be considered as being completely within the principle of the article in the Treaty signed between us this day respecting the British creditors. But as you did not possess sufficient information respecting the particulars of this business to be enabled to enter fully into it, I have transmitted to you the papers relative to it, and I shall be obliged to you if, when you have received further information upon it, you will acquaint me in what situation you conceive the parties interested in it to stand, with respect to the means of recovering their rights in the ordinary course of justice.

I also transmit to you, for a similar purpose, an application which I have received from a particular class of British creditors, whose case is there stated.

I cannot conclude this letter without repeating to you the very great satisfaction I have derived from the open and candid manner in which you have conducted, on your part, the whole of the difficult negotiation which we have now brought to so successful an issue, and from the disposition which you have uniformly manifested to promote the objects of justice, conciliation, and lasting friendship, between our two countries.

These dispositions are perfectly reciprocal on the part of this Government, and I am happy in any opportunity of expressing them to you, and of renewing to you the sincere assurances of the very great personal esteem and regard with which I have the honor to be, sir, your most obedient humble servant,

GRENVILLE.

TO JOHN JAY, Esq., &c.

The fifth article of the Treaty of Peace concluded with the following paragraph, viz:

"And it is agreed that all persons who have any interest in confiscated land, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediments in the prosecution of their just rights."

Lord Grenville lately mentioned to me that there were persons who had interests in confiscated lands, and that it was reasonable those interests should be taken care of by the present Treaty. He named the case of Lord Fairfax's

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estate, and that of Colonel Roger Morris, in the State of New York. I answered that my information respecting those cases was too imperfect to permit me to enter into any particular stipulations respecting them individually, or respecting the others that were generally alluded to in the above article; that I was not apprised of any lawful impediments to the prosecution of such rights as that article contemplated, but I concurred with him in opinion that, if there had been, or still were, such impediments, those cases were within the same principle, and had the same claims to justice and equity as the cases of British creditors, and ought to be provided for accordingly.

The papers I received from him last night are too voluminous to be copied in season to accompany this letter; it is absolutely impossible. You will receive them by the next ship.

The application mentioned in his letter, and which "he had received from a particular class of British creditors," &c., is a memorial of divers American loyalists, &c. These persons (whose estates were confiscated) think they have a right to recover the debts that were due to them, and that the article of the Treaty of Peace in favor of British creditors applies to them. This cannot, in my opinion, be admitted, and will, I believe, give us no trouble.

I have the honor to be sir, your most obedient and humble servant,

JOHN JAY.

To the Hon. EDM. RANDOLPH, Esq.,
Secretary of State, &c.

Mr. Jay to Mr. Randolph—No. 24.

LONDON, November 21, 1794.

SIR: On the 19th instant a Treaty was signed. The next day it was, together with my letters to you, Nos. 21, 22, and 23, despatched to the packet at Falmouth, which had been detained.

I now send you duplicates of them all by Mr. Blaney, a gentleman of Virginia, recommended to me by Governor Lee. The earliest advices from you will be expedient. There are articles in this Treaty which will give strength to our applications to other Powers for extensions of commerce. Much use may be made of them.

I daily become more and more convinced of the general friendly disposition of this country towards us. Let us cherish it. Let us cultivate friendship with all nations. By treating them all with justice and kindness, and by preserving that self-respect which forbids our yielding to the influence or policy of any of them, we shall, with the Divine blessing, secure peace, union, and respectability.

I feel very sensibly the confidence that has been reposed in me, as well as the responsibility that resulted from it. If this Treaty should prove beneficial, I shall not regret my anxiety and efforts to render it so. The Canada article strikes me as one of the best in it. If discreetly managed, important benefits will, in my opinion, be derived from it. Very much ought not to be written on these subjects.

That the termination of these perplexing differences should be effected during your administration of the Foreign Department, cannot fail to give you pleasure. It will afford some compensation for the trouble you have had, and relieve you from the disagreeable correspondences to which such differences frequently give occasion.

Accept my thanks for the many interesting communications and marks of attention I have received from you in the course of the negotiation, and be assured that I am, with every corresponding sentiment, sir, your most obedient and most humble servant,

JOHN JAY.

HON. EDM. RANDOLPH, Esq.,
Secretary of State, &c.

Mr. Jay to Mr. Randolph—No. 25.

LONDON, December 6, 1794.

SIR: Copies of the papers mentioned in my letter (No. 23) are hereunto subjoined.

I have the honor to be, sir, your most obedient humble servant,

JOHN JAY.

OFFICE OF AMERICAN CLAIMS,
August 13, 1790.

DEAR SIR: I send you extracts of some papers and reports relative to the claim of Colonel Morris and his children. The other cases of a similar nature are those of Lord Fairfax and Mr. Martin, and you will see the Attorney General's opinion applies to all of them.

Yours, very sincerely,

JOHN WILMOT.

GEORGE ROSE, Esq., &c.

NAMES.	Province.	Value of the fee simple.	Value of the life interest.	Value of the reversion.
Col. R. Morris and Mary his wife.	N. York	£20,000	£12,605	£7,395
Samuel Martin	Virginia	13,115	6,500	6,615
Rt. Hon. Lord Fairfax.	Virginia	60,000	13,758	46,242

N. B. Colonel Morris, Mr. Martin, and Lord Fairfax, have received their certificates for the value of their life interests.

Mr. Attorney General's opinion in the case of Mr. and Mrs. Morris.

What interpretation the State of New York may give to their act of attainder I don't know; but nothing is more clear, that, if a similar act of attainder against Mr. and Mrs. Morris had passed here, it would not have affected the remainder limited to the children who are not attainted; and they seem to me, upon this state of the case, to be most clearly entitled to the benefit of the last clause of the 5th

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article of the Treaty of Peace with America. Under these circumstances, I cannot advise the Commissioners to consider this remainder in fee as absolutely lost, until an attempt has been made to obtain that justice in America to which they are entitled, and the refusal of which will, in my opinion, be a direct violation of the Treaty. If they cannot obtain justice ultimately, they certainly ought to have a compensation; and therefore I think the Commissioners, after having made a compensation to Mr. and Mrs. Morris for their life interest, should state specially the case of the children, as that may hereafter be of use to them if they fail in seeking redress in America.

R. P. ARDEN.

MARCH 31, 1787.

N. B. As there are two or three other cases similarly circumstanced, the Commissioners considered them altogether in a separate class, and made a general observation upon them in their general reports, particularly that of May 15, 1789. *Vide extracts.*

Extract from the report of the Commissioners of American Claims, dated 7th April, 1786.

We have not considered any interest in confiscated lands, whether by debt, marriage settlement, or otherwise, as lost to the parties, (in cases where such parties are not named in, or are not the immediate object of, the confiscation law,) though we apprehend it may be difficult for them, without the aid of Government, to have their rights ascertained and secured.

We have thought it our duty to represent this to your lordships, as we apprehend it to be one of the objects of our inquiry to furnish Government with such information as may promote His Majesty's endeavors to procure from the United States of America restitution of, or recompense for, the estates and effects of the sufferers under the provisional article, as stated in the preamble of the act which first instituted the inquiry.

Extract from the report of the Commissioners of American Claims, dated 5th April, 1788.

There is likewise another description of persons, concerning whom we have been under considerable difficulties, as stated in our fifth report of the 7th April, 1786, namely, of loyal British subjects, who appear to have relief under the Treaty of Peace, but state the utter impossibility of procuring it. We have stated these losses, therefore, in a separate class, (the eleventh,) in order to facilitate the endeavors of Government to procure from the United States of America a restitution of, or recompense for, the estates and effects of the sufferers under the Treaty of Peace, or if that Government and the Legislature may be enabled to make them compensation at home, if it should be thought proper.

Extract from the report of the Commissioners of American Claims, dated 15th May, 1789.

With respect to the eleventh class, (viz., of those who appear to have relief by the Treaty of Peace,) it is to be observed that it consists of the value of reversionary interest in estates expectant on the determination of lives now in being, the value of the life interests being included in some of the other classes. It is proper to observe, likewise, that the fee of the property in these instances has been seized, confiscated, and sold, by the respective States in whose territory the property lies; and notwithstanding the provisions of the Treaty of Peace, we are afraid there is little probability of the recovery of such reversionary interests by the persons entitled in remainder. We submit, therefore, to the consideration of Government and Parliament, whether it will be more eligible to make those persons who have lost their life-interests a compensation only for the loss of those life-interests, or to make a compensation for the fee simple of the property, to be paid to trustees, subject to the same uses to which the estates were settled; by which means, for a comparatively small additional consideration, those entitled in remainder will have no future claim on the justice and liberality of the nation, if they should not recover their property on the death of the tenants for life; and this country will become creditor of the different States for the value of this reversionary property, whenever an arrangement shall take place between the two countries of their respective interests and pretensions.

Extract from the decision of the Commissioners of American Claims, on the claim of Colonel Roger Morris, and Mary his wife.

The Board is of opinion that the value of the fee simple of the said estate was £20,000, and that the value of the interest of the said Colonel R. Morris, and Mary his wife, for their joint lives, and the life of the survivor, (as calculated by Mr. William Morgan, actuary to the Equitable Society of Annuityants,) is £12,605.

The Board, under all the circumstances of the case, is of opinion that the loss of the said Colonel R. Morris, and Mary his wife, must be confined to the said sum of £12,605, which sum they accordingly allow for the same; but they do not consider the interests of the children of the marriage as being lost, the same being protected by the fifth article of the Treaty of Peace.

Extract from the decision of the Commissioners of American Claims, on the claim of Samuel and George Martin.

The Commissioners disallow the claim, (so far as the reversionary interest of the son, George Martin, is concerned,) considering the same to be protected by the fifth article of the definitive Treaty of Peace between Great Britain and America.

Although the Commissioners are of opinion the reversionary interest of the claimant, George Martin, must be considered as being protected by the fifth article of the Treaty of Peace, it appears, nevertheless, that the whole property has in fact been seized and forfeited as the fee simple estate of the said Samuel Martin. And although a repre-

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sentation has been made to the Legislature of Virginia, setting forth the interest the said George Martin was entitled to therein, no attention whatever has been paid thereto.

Decision on the claim of the Right Honorable Robert Lord Fairfax, on behalf of himself and of Frances Martin, (widow, his sister,) and of Denny Fairfax, D. D., Philip Martin, Esq., and Thomas Martin, Esq., (his nephews and their three sisters, his nieces.) Claim £98,000.

MY LORDS: The case of the Right Honorable Lord Fairfax being in many respects peculiarly circumstanced, and being of considerable importance in respect to the magnitude of the claim, we have thought fit to make it the subject of a separate report.

We find that His late Majesty, King James the Second, by letters patent, bearing date the 27th day of December, in the fourth year of his reign, which recite former letters patent of King Charles the Second, bearing date the 8th day of May, in the twenty-first year of his reign, did give, grant, and confirm, unto the Right Honorable Lord Culpeper (grandfather of the claimant) all that entire tract, territory, or parcel of land, in Virginia, in America, and bounded by and within the first heads or springs of the river of Tappahannock alias Rappahannock, and Querough alias Potomac river—the courses of the said rivers from their first heads or springs, as they are commonly called and known by the inhabitants and descriptions of those parts, and the Bay of Chesapeake, together with the said rivers themselves, and all the lands within the uttermost banks thereof, and the soil of all and singular the premises, and all the lands, &c.—to have, hold, and enjoy, the said granted premises to, and to the use of, the said Thomas Culpeper, his heirs and assigns forever, at the rent of £6 13s. 4d., payable as therein mentioned; all which said granted premises are commonly known and distinguished by the name of the Northern Neck of Virginia.

That all the said granted premises were, under such grants, held and enjoyed by the said Thomas Lord Culpeper from thenceforth to the time of his death, when the same became the property of, and vested in, the Right Honorable Catharine, late Lady Fairfax, his daughter, who, by her last will and testament, bearing date the 21st day of April, 1719, devises the same (*inter alia*) by the description of all her honors, lands, plantations, and premises in Virginia, unto William Cage, of Milgate, in the parish of Bersted, in the county of Kent, Esquire; and Edward Filmer, of East Sutton, in the said county, Esquire; to hold the same unto the said William Cage and Edward Filmer, and their heirs and assigns forever, upon the said several trusts therein and hereinafter described—that is to say:

Upon trust in the first place by mortgage, a sale of a sufficient part of the estates thereby devised, to raise a sufficient sum for discharging all her debts, legacies, and funeral expenses; and after such mortgage, sale, and disposition, to the use of her

eldest son, Thomas Lord Fairfax, and his assigns, for life.

Remainder to the said William Cage, and Edward Filmer, and their heirs, as trustees to preserve contingent remainders.

Remainder to the first and other sons of the said Thomas Fairfax, in tail male.

Remainder to her second son, Henry Culpeper Fairfax, and his assigns, for life.

Remainder to trustees, to preserve contingent remainders.

Remainder to the first and other sons of the said Henry Culpeper Fairfax, in tail male.

Remainder to her third son, Robert Fairfax, and his assigns, for his life.

Remainder to trustees, to preserve contingent remainders.

Remainder to the first and other sons of the said Robert Fairfax, in tail male.

Remainder to the daughters of the said testatrix, as tenants in common, in tail.

Remainder to the right heirs of the said testatrix, in fee.

The said Catharine Lady Fairfax died in the said year 1719, soon after the making of her said will; whereupon the aforesaid lands and premises, under the devise contained, became vested in the said Thomas Lord Fairfax, for the term of his natural life.

We find by a survey produced to us, made in the years 1736 and 1737, that the quantity of land contained within the boundary described in the aforesaid grant of King James the Second, was five millions two hundred and eighty-two thousand acres, a considerable part whereof, at the time of the breaking out of the troubles in America, had been granted by the late Thomas Lord Fairfax, and his predecessors, upon quit rents; other parts had been appropriated by his lordship as his private estate, and the remainder lay waste and ungranted.

We find that the said Thomas Lord Fairfax, who resided in Virginia, at the commencement of and during the troubles in America, conducting himself as a loyal subject to His Majesty, but being of a very advanced age, (upwards of fourscore years,) for that reason, as we presume, he was not divested of the said estates during his lifetime, but was permitted to hold and enjoy the same until his death, which happened in the year 1781; whereupon the same descended to, and became vested in the claimant, Lord Robert Fairfax, for the term of his natural life, (the said Henry Culpeper Fairfax having, many years before, died unmarried, and without issue,) but owing to divers laws which have been since enacted by the State of Virginia, and which are hereafter set forth, he has been prevented from taking possession of, and enjoying the same: for we find that, by an act of Assembly of the said State, passed at a session begun the 21st day of October, 1782, entitled "An act to amend and reduce the several acts of Assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue into one act:" after reciting that, among other things, that no provision was made

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by the said act, or by the act for equalizing the land tax, to credit the citizens in the Northern Neck for so much of the land tax as their respective quit rents might amount to; and that, since the death of the late proprietor of the Northern Neck, there was reason to suppose that the said proprietorship had descended upon alien enemies. It was therefore enacted, that persons holding land in the Northern Neck should retain sequestered in their hands all quit rents which were then due, until the right of descent should be more fully ascertained, and the General Assembly should make final provision thereon. And all quit rents which might thereafter become due within the limits of the said Northern Neck, were directed to be paid into the public Treasury under the operation of the laws of that session of Assembly, from which quit rents the inhabitants of the said Northern Neck were thereby exonerated from the future claim of the proprietor.

By another act of the same session of Assembly, entitled "An act concerning surveys," after reciting that the death of the Right Honorable Thomas Lord Fairfax might occasion great inconvenience to those who might incline to make entries for vacant lands in the Northern Neck, it was enacted that all entries made with the surveyors of the counties within the Northern Neck, and returned to the office formerly kept by Thomas Lord Fairfax, should be held, deemed, and taken as good and valid in law, as those theretofore made under the direction of the said Thomas Lord Fairfax, until some mode should be taken up and adopted by the General Assembly concerning the territory of the Northern Neck.

By another act, passed at the session begun the 5th day of May, 1783, entitled "An act to amend the act to amend and reduce the several acts of Assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act," after reciting "that, by the said act, all persons who were indebted for quit rents due within the Northern Neck, were permitted to retain the same in their hands until the further directions of the Assembly, and that it was unjust that the executors of the late proprietor of the Northern Neck should be any longer prevented from receiving what was due to the said proprietor at the time of his death, it was enacted that so much of the said act as permitted the persons indebted as aforesaid, to retain in their hands the sums due at the time of the death of the said proprietor, should be, and the same was thereby, repealed."

And by another act, passed at a session begun the 17th day of October, 1785, entitled "An act for safe keeping the land papers of the Northern Neck in the Register's office," after reciting, "that since the death of the late proprietor of the Northern Neck, the Right Honorable Thomas Lord Fairfax, no mode had been adopted to enable those who had, before his death, made entries for waste and unappropriated lands in his office, nor to enable those who, since his death, had made entries within the said district, according to an act of Assembly, entitled 'An act concern-

ing surveyors,' to obtain titles for the same," it was enacted that, "where any surveys had been theretofore made, or thereafter should be made, under entries made in the life of the said proprietor, or under entries made with the surveyor of any county, under the act of Assembly aforesaid, and which had been returned to the said proprietary office, should thereafter be returned to the register's office, the register should make out grants therefor, to bear test under the hand of the Governor, and the seal of the Commonwealth, in the same manner as was by law directed in cases of other unappropriated lands; and the surveyors with whom such entries had been made, were thereby directed and empowered to proceed to survey and record the same, and to make return of such surveys to the Register's office, in the same manner and within the same time as was, or should be directed, in cases of warrants issued for other unappropriated lands within this Commonwealth, and therefor grants should issue in the manner therein before directed." And it was further enacted, that "from and after the passing of the aforesaid act, the unappropriated lands within the said District should be subject to the same regulation, and granted in the same manner, and all caveats should be proceeded upon, tried and determined, as was by law directed in cases of other unappropriated lands belonging to the said Commonwealth." And it was further enacted "that the landholders within the said District of the Northern Neck, should be forever thereafter exonerated and discharged from composition and quit rents, any law, usage, or custom, to the contrary notwithstanding."

It has been represented to us, that, in the year 1786, a memorial was presented to the Assembly, on behalf of the claimant, (Robert Lord Fairfax,) who, together with all the heirs in remainder, (except Thomas Martin,) we find to be loyal subjects of His Majesty, who resided in Great Britain during the troubles, by his agents in Virginia, praying to be relieved from the effects of the acts before recited, and to be restored to the possession of the quit rents within the said Northern Neck, to which he was entitled under the will of his mother, as before mentioned, which application was unsuccessful; but no copy of the said memorial, nor of the minutes of the said Assembly relative thereto, having been produced to us, we are unable to state the particulars of the said application, or the grounds upon which the same was rejected.

On a full consideration of the above acts, it does not appear to us that there is anything contained in them (excepting the act of 1785) which operates as a forfeiture of the estate of Lord Fairfax, or those in remainder after his decease: for, although the first act, of October, 1782, directs the payment of all quit rents that should thereafter become due into the Treasury, yet we cannot infer the object of that direction to have been any other than the same which is expressed in that act, as to the prior quit rents, which are thereby directed to remain sequestered in the hands of the landholders in the Northern Neck, viz: there to

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remain until the rights of descent to the said territory should be ascertained, and the General Assembly should make final provision thereon. But the act of 1785 having placed the said district under the same regulations with all the other lands within the said State, and having, also, totally abolished the quit rents due therein, we are of opinion that Lord Fairfax, and those in remainder after his decease, are thereby entirely divested of their estate, and interest therein, and have lost every prospect of recovering the same.

At the same time we cannot help remarking, that this act appears to us to militate strongly against the spirit and meaning of the sixth article of the Treaty of Peace, which provides that there shall be no future confiscations made, or any prosecution commenced against any person or persons, for, or by reason of, the part which he or they have taken in the (then) present war, and that no person shall on that account suffer any future loss or damage, either in his person, liberty, or property: for, although it is not by the terms thereof, an act of confiscation, yet it has all the effect and operation of an express act of forfeitures; and although the grounds and motives of passing it are not expressed in the act itself, we cannot but conclude, that if the parties interested had not been considered as British subjects and aliens, either the landholders would not have been exonerated from the payment of quit rents, or that some compensation would have been made in lieu of the same.

It does not appear to us that the act of 1779, entitled an act concerning escheats and forfeitures from British subjects, which is the only act of the State of Virginia which operates as a general act of forfeitures, has any relation to the present case, the same having been passed a considerable time previous to the death of the late Thomas Lord Fairfax, and none of the directions therein contained for ascertaining who were objects of the same act, having been pursued with respect to the present claimant, or granting that they had, it could only operate as a forfeiture of the individual interest of Lord Fairfax for the term of his life; the estate of those in remainder being in that case, as we conceive, protected and preserved by the fifth article of the Treaty of Peace, by which it is agreed "that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights." We submit, therefore, whether this be not, under all its circumstances, of the cases which call for the interposition of Government, to assist the parties in obtaining a restitution of their just rights, which are thus guaranteed and protected by the Treaty.

We have had some difficulty in ascertaining the value of the estate in question, for the several books and papers relative to the land office having been, as we are informed, and appears by the act of Assembly of 1785, taken possession of by the State, it has not been in the power of Lord Fairfax to lay before us such clear and decisive evidence of the amount of the annual quit rents as

was desirable; we have, therefore, been obliged to estimate from the parole evidence of several respectable witnesses as to the general repute of the country of their amount, previous to the war, and the positive testimony of his lordship of their produce in the year 1768, when he was in Virginia, and had access to the books wherein the accounts thereof were kept; and, on a general consideration of all its circumstances, we are of opinion it will be just to value the said estate at £60,000; and, in order that Parliament may have every information to guide its determination, with regard to the compensation it may think fit to make for the loss of this property, if that should be its ultimate resolution, we have calculated the value of Lord Fairfax's life in the above sum, which we find to be £13,758.

In the above sum we have not, for the reasons stated in our first general report, taken into account the arrears of quit rents, which are stated by Lord Fairfax to amount to £28,000, nor of the waste or unappropriated lands, no proof having been laid before us of their extent or value, nor any claim made for the loss thereof.

With respect to the private and unappropriated estates of the late Thomas Lord Fairfax, no evidence has been laid before us to show that the present Robert Lord Fairfax has any title thereto, or interest therein, neither does it appear that the same has been confiscated or forfeited; on the contrary the inference is, that no forfeiture has taken place: for the act of 1783, having declared that it was unjust that the executors of the late proprietor of the Northern Neck should be any longer prevented from receiving what was due to the said proprietor at the time of his death, and having repealed the provisions of the former act, whereby the quit rents were ordered to remain sequestered in the hands of the landholders, it is to be presumed that the residue of his private estate has been equally protected and preserved for the benefit of those entitled thereto.

For these reasons, and because no express claim has been put in for the loss of the private estates of the late Lord Fairfax, we have not thought it material to go into a particular inquiry respecting the same.

Copy of a letter written by John Wilmot, Esq., to George Rose, Esq.

Mr. Wilmot presents his compliments to Mr. Rose, and acquaints him that Lord Fairfax's property in America claims at £60,000, in which Lord Fairfax had only a life estate. The Commissioners made a special report on this case, being under very particular circumstances. The result however was, that Mr. Pitt recommended to Parliament to pay Lord Fairfax the value of the life estate, which, after deducting what his lordship had already received from Government, amounted to the sum of £11,868.

No sum was recommended by Mr. Pitt to be granted to those who have the reversary interest after Lord Fairfax's death.

JANUARY 24, 1792.

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To the Right Honorable William Lord Grenville, His Majesty's Principal Secretary of State for the Foreign Department, &c., &c.

The memorial of divers American loyalists in behalf of themselves and others, residing in Great Britain and elsewhere, in His Majesty's dominions, most respectfully sheweth:

That your memorialists, at the time of their banishment and confiscation of their estates, had large sums of money justly due to them, by some of the richest inhabitants of the American States, on bond, note, and other securities, which were included in your memorialists' claims, delivered in to the Commissioners of an "Act for appointing Commissioners to inquire into the losses and services of all such persons who have suffered in their rights, properties and professions, during the late unhappy dissensions in America, in consequence of their loyalty to His Majesty, and attachment to the British Government." But, on the discussion of those claims, your memorialists were informed by the said Commissioners, that they could not take cognizance of such debts, as provision was made for the recovery thereof by the definitive Treaty of Peace between Great Britain and the American States.

That your memorialists have since exerted every endeavor to recover the moneys so due to them from their debtors, but were restrained by laws, passed from time to time in the American States, regardless of the Treaty; and where your memorialists' debts had been confiscated by laws of any of the States, on suits instituted by them for the recovery thereof, it has been adjudged by the Federal Courts of the Union, "that those debts were extinguished as to your memorialists, and vested in the States that passed the confiscatory law; your "memorialists not being real British subjects, but American British subjects, and therefore not entitled to the benefit of the Treaty of Peace;" which adjudication equally precludes your memorialists from relief where their moneys had been paid for their use by their debtors into the public Treasuries, pursuant to laws of any of the States; and also where their debtors had discharged the moneys owing by them in a depreciated paper currency, at the rate of six-pence or less in the pound, under the sanction of arbitrary and unjust tender laws, passed from time to time in the American States during the war; although it is expressly stipulated by the fourth article of the Treaty of Peace, "that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all *bona fide* debts heretofore contracted;" which article of the Treaty mentioning creditors on either side generally, without the least allusion to creditors of any particular description, the words "shall meet with no lawful impediment to the recovery of the full value in sterling money of all *bona fide* debts heretofore contracted, must necessarily refer to laws and adjudications that would defeat the object as to any creditor who had adhered to Great Britain, and made themselves a party in the controversy; nor is the dis-

inction between real British subjects and American British subjects reconcileable with the intent of the Treaty, as it would promote a spirit of resentment and persecution, which ought to subside on a return of the blessings of peace. Besides, this distinction is evidently repugnant to reason; because it admits a right to recover debts in the British merchants who took no active part in the contest; and disallows that right to your memorialists, who manifested their allegiance by submitting to the attainder of their persons, and confiscation of their estates, and all the calamities of war, which are the strongest proofs of national attachment to natural justice; because it enables debtors to evade the just demands of their creditors, in violation of the most solemn contracts and obligations, which have ever been held sacred among all civilized societies.

That your memorialists, being informed that the British merchants have been called on by His Majesty's Ministers for some statement of their demands against the subjects of the American States, in the negotiation now pending between their Plenipotentiary and the British Court, your memorialists think it a duty they owe to themselves and to the Government, to lay this representation of their hard case before your lordship, trusting their rights will meet with due attention in that negotiation; and that if they should not ultimately obtain satisfaction of their just demands in America, according to the Treaty of Peace, to which they have been referred by the Commissioners of the act of Parliament above-mentioned, your memorialists' claim on the national justice for compensation and relief, pledged, to them by that act, will merit your lordship's countenance and protection.

In the hopes whereof your memorialists in gratitude will pray, &c., &c.

ROBERT WILLIAMS,
J. PARKER,
EDMUND HEAD,
JOHN DAVIS,
W. P. TONGE,
R. W. POWELL,
JOHN STOPTON,
ROBERT GILMOUR,
WILLIAM BROWN,
S. H. JENKINS,
LEWIS JOHNSTONE,

By his attorney, J. Irvine.

CHARLES COOKE,
ROBERT COOKE,
JAMES WILSON,
for Cumberland Wilson.

THOMAS HARPER,
THOMAS YORKE,
ROBERT COOPER,

As Executor to H. Perannean, dec'd.

JOHN RENNIE,
JOSIAH TATHNALE,
for John Hamilton & Co.
CHARLES ATKINS.

LONDON, October 9, 1794.

*Treaty with Great Britain.**Mr. Randolph to Mr. Jay.*

PHILADELPHIA, Dec. 3, 1794.

SIR: As I cannot get a confidential person going to Liverpool in the ship which will carry this letter, to take charge of some remarks which will be submitted to your consideration, I prefer to send them by two other ships going to-morrow or next day. In them a passenger will be found who will hasten to you with fidelity.

You must have received, almost by this time, my letter, which requests you not to stipulate against our citizens in case of a war between us and Great Britain, taking privateering commissions against that country. I barely repeat it now.

The remarks above alluded to relate to the Treaty on foot. Although, in the combining of your and Lord Grenville's projects, things may be so changed as that observations directed to each, may be unavailing and inapplicable, yet I must, in the hurry of the moment, take the liberty of suggesting that I am extremely afraid that the reasoning about the negroes will not be satisfactory. Indeed, I own that I cannot myself yield to its force. But, if you omit mentioning them at all, will not some quarters of the Union suppose themselves neglected?

If the British are to retain the posts until 1796, and have free access to the Indians within our limits in the meantime, have we not reason to apprehend that they will contrive to perpetuate their ascendancy over them?

The departure of the vessel precludes more at present. I will, therefore, only acknowledge your duplicates Nos. 15 and 16, and your letters of the 18th of September and 2d of October, being Nos. 17 and 18.

The arrival of Mr. Bayard, and a letter from me preceding his appointment, will explain to you that it is the intention of the Government that the costs and damages attending all vessels and cargoes, within the catalogue of spoiliations, should be defrayed by the United States; and that Mr. King's case, mentioned in my letter of August 15, is not regarded as discriminated from the others; but that all are to receive equal patronage in this particular. It will be however, of course, understood, that if, in this and the other cases, you can obtain redress without a process through the Courts, it is the wish of Government that the shortest method be pursued.

I have the honor to be, sir, with great respect, your most obedient servant,

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No. 26.

LONDON, December 10, 1794.

SIR: I have been favored with your letters of the 11th and 20th October last, with the papers mentioned in them. As the Treaty concluded on the 19th of last month was sent by the packet, and a duplicate was committed to the care of Mr. Blaney, who sailed in a vessel for Virginia, commanded by Captain Vickary, I flatter myself it will arrive before you receive this letter.

It gives me pleasure to acknowledge the attention and punctuality manifested in your letters, and your prudence in publishing only in the way you mention, advices respecting the negotiation.

Yesterday I received a letter from Mr. Bayard, informing me that he was on the road from Fal-mouth to this place, and giving me a hint of his appointment.

Being very solicitous to return home, I purpose to embark in one of the Spring vessels for New York or Philadelphia. The Treaty may possibly not arrive so soon as that the ratification will reach this place before my departure, especially as not only the packet, but also Mr. Blaney, were detained a considerable time by contrary winds. I beg leave, therefore, to submit to the President's consideration the expediency of instructing Mr. Pinckney to make the exchange in case of my absence, and of authorizing him to execute such instructions to me as may be sent with the ratification.

I wish I was now at Philadelphia, not only because I should then be in my own country, but because I could give you interesting information, which cannot be so advantageously communicated in writing as in conversation. I will make one remark. This Treaty may be used to open the Mississippi and rivers running through Florida.

With sentiments of respect and esteem, I have the honor to be, sir, your most obedient and humble servant,

JOHN JAY.

The Hon. EDM. RANDOLPH, Esq.,

Secretary of State, &c.

P. S. You will receive herewith enclosed, a copy of Lord Grenville's full powers. Duplicates of Nos. 23, 24, and 25, are already on board the ship which will bear this.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, Dec. 15, 1794.

SIR: I suggested to you, in my last letter, on the 3d instant, the reason why much scope of observation could not be indulged by the opportunity which then occurred; on your letter of September 13, 1794. Having a full assurance now that the danger of the sea can alone prevent this despatch from reaching you in safety, I shall take the liberty, under the correction of the President, to run through, in a summary way, some parts of your interesting communication.

At the threshold, however, this important difficulty awaits us. Upon the fitness of your own or Lord Grenville's propositions, separately viewed, we might perhaps decide with satisfaction to ourselves. But, until the two projects shall be moulded into one; until we shall, at least, see how much will be yielded on either side, our remarks may not only wander from the true points, which may be best entitled to examination, but may also mislead you, if they be not cautiously applied to a state of things which is not precisely the same with that which gave rise to them. You will be pleased, therefore, to accept them as testimonies of our anxiety that your mission may

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terminate happily to our country and honorable to yourself; hoping that, although they should arrive after some conclusion with the British Ministry, they will operate so far as the then position of affairs will permit.

As a mere point of honor, it would certainly have been immaterial to settle what act, on either side, constituted the first violation of the Treaty of Peace. Nor can we, at this distance, judge as well as yourself to what degree the whole of our claims, pretensions, and complaints, may be affected by relinquishing, or failing to fix on the British Government the first infraction. But really, sir, the force of Lord Grenville's reasoning appears to fall very short of its object.

That a property is acquired in moveables as soon as they come within the power of the enemy, is acknowledged. But it will not be denied that rights even in moveables, acquired by war, may, by the Treaty of Peace, be renounced. In this instance there was great reason for such a renunciation. Negroes were not, like moveables in general, difficult to be distinguished. They carried an infallible mark. British debts were stipulated to be paid, and the States in which the mass of them lay, depended for their payment principally on the culture of their soil, and for the culture of their soil, on this species of labor. As property, the British Government could not have been tenacious of negroes; and it may therefore be supposed, that in this view, they were so indifferent as to be the more easily given up.

If the stipulation as to negroes did not mean an alteration in the actual state of property, and imported only an engagement not to cause any destruction, or carry away any negroes or other American property, why was it made? The cessation of war implied the cessation of further depredations; the renewal of depredation would have been the renewal of war. The words of Treaties, if they can be construed in an operative sense, ought not to be turned to signify merely what would have existed without them. It was a thing of course that orders should be given by the British Government against plundering on the evacuation; or, if they should not be given by Government, it became incumbent upon the commander, in behalf of the British army in America, to issue them under his own authority.

The essence of Lord Grenville's argument seems to consist in a refinement of interpretation which he gives to the words, "other property of the American inhabitants," as if they confined the word "negroes" to those negroes who should be thereafter captured from the Americans by the British arms, and excluded such as were then denominated, by the rights of war, British property. The use of the term "negroes," by itself, proves that the inquiry was simply to be, whether the persons who were not to be carried away came within the description of negroes generally; and it is as fair to conclude, from the words "other property of the American inhabitants," that the opinion of the negotiators was, that negroes within the British power were made thereby American property, as the reverse. The fact,

too, is, that the original proprietors of the negroes never lost entirely the hope of recovering them, still called them theirs, would have reclaimed them upon the principles of postliminy, if they had been retaken by the army of America or its ally, and thus even the Plenipotentiaries themselves might, without any impropriety, have talked of the negroes in British possession as the negroes of the American inhabitants. These ideas are supported by other parts of the 7th article. Why is the "carrying away" only mentioned, if negroes which might be thereafter seized were chiefly contemplated? Is it not reasonable to believe that, with this impression, it would have been said that negroes shall not be captured and carried away? If a critical exposition must be resorted to, "carrying away" implies that the thing to be carried away is already in possession. Another part of the stipulation is, that the American artillery that may be in the fortifications, shall be left therein. That is, not artillery made in America, but artillery the property of America, or in other words, of the United States. Now, this artillery was surely the property of the British at the moment of capture, and yet no pretence, as far as I can learn, was hatched up to carry away our cannon.

For the interpretation of Treaties, as well as in all moral reasoning, general rules are prescribed; but your own experience must have satisfied you that these rules can be seldom applied with mathematical precision. We have an example of this in Lord Grenville sheltering himself from the true construction of the article of the Treaty, by branding it with the epithet "odious." What is more customary than for nations to surrender rights? What more common than for them to surrender, on a peace, rights acquired purely and solely through a war? The construction is not odious, because the British Government hate slavery. No, sir, they established it in the United States while colonies; they continued the importation of slaves against the will of most of the States; it exists by their authority in many of their foreign dominions. The odium then of the business, must be in depriving the slaves of the liberty granted to them; that is, in first giving and then taking away. In answer to this I observe, that the construction is not so doubtful as to let in any remarks upon odium: for vague ideas of this kind are inadmissible, except in truly doubtful cases. There might, perhaps, have been some countenance to this plea, if we should insist that slaves originally belonging to the British, and afterwards manumitted by them, were now demanded by us to return to their former condition. But those in question belonged to our citizens: the war only presented the chance of liberation. They were covered in their flight from their masters by the operation of war. They must have been conscious (and such is the Law of Nations) that, if they had been regained by their former proprietors in the course of the war, they would have reverted to the condition of slaves; and that what the war gave, might by a peace be taken away.

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You must be too sensible of the anxiety of many parts of the United States upon this subject to pass it over unnoticed. Permit me, therefore, to beg your attention to the foregoing ideas, since I have it greatly at heart that your negotiation may not be encumbered by any objection which may be anticipated.

It was at first hoped that, as you had proposed June, 1795, for the epoch of surrendering the posts, and have not commented upon the proposition of Lord Grenville for June, 1796, there might have been a mistake in copying what he wrote. But the duplicate of your letter of September 13 confirms the truth of 1796. In a past letter you have been apprised of the unpleasantness which will accompany such a result. Further reflection has not diminished, but on the contrary, has increased the repugnance of the President to this extension of the time. There may be a danger of our losing the moment when we may be the most impressive. If we have been fortunate enough at present to catch the wheel of political events in its rapid revolutions, before June, 1796, the face of things may be so much changed as to substitute the spirit which governed Great Britain in her past injustice towards us, in the place of that moderation which we experience in the hour of her depression. Every artifice for riveting an ascendancy over the Indians, and counteracting our competition for the fur trade, will have had its fullest scope. In short, the interval will be employed in rendering the transference of the British fort from one side of the river to the other, as little operative as possible on the minds of the Indians, by gradually managing and persuading them to believe that the new position is more convenient to them, and that the removal was the effect of choice, and by an infinity of other pretences. And truly, sir, it cannot be deemed severe to insist upon June, 1795. For what purpose, sincere in all its aspects, is a twelvemonth more wanted? The distance for transporting the appendages of the garrison within the British territory is trifling, and becomes more so by the facility of water carriage. The settlers under British auspices will be protected. The season will be favorable. The President is therefore very much fixed in the opinion, that the arrangements for June, 1796, will be injurious to the United States. We are fully sensible that something was to be yielded for the accommodation of the British garrison, so as not to precipitate their surrender of the places unnecessarily; but no title to indulgence seems to go beyond June, 1795; and the President instructs me to add that, as long as the British retain Detroit, and other posts within our limits, he is convinced that we shall never have perfect tranquillity with the Indians. The free ingress and egress stipulated for British subjects and the Indians, will, it is feared, strike deep into our Indian trade; nor can we be sure that the reciprocity claimed by you will compensate the inconvenience. Nor yet can it be calculated how much our revenue may be impoverished, if goods may be imported through Canada duty free.

I have the pleasure to inform you that your reasoning and conduct respecting the St. Croix and the Mississippi appear to be very judicious, and the form in which those subjects have been placed by you, according to your different letters, is approved by the President.

The correspondence between Mr. Jefferson and Mr. Hammond, relative to the captures of British vessels by French cruisers, fitted out of our ports, or manned by our citizens, places the subject of compensation upon the ground which is the most acceptable to the President.

Ought any settlers or traders within the precincts of any British garrison, within the United States, to be protected in their landed property there, unless it lies strictly within the just limits of a garrison, and their title originated before the peace? Perhaps nothing more is meant; my suggestion is for greater certainty only.

Neutral commerce, if it can be so settled, had better be freed, as much as possible, from contraband. But it is peculiarly important that provisions should be so.

I am apprehensive that, to bind the British King to compensation only where our property has been illegally captured and condemned, under color of his authority and commission, or where apparent full justice and compensation cannot be obtained, and actually had, by judicial proceedings, will not reach the mischief; and that there is no effectual mode for repairing it, but by granting compensation upon the broad ground of the principle of the instructions of November 6, 1793, being unsound; that is, by providing that they violated our rights in authorizing condemnations; or it will amount to the same thing if it be said that it was not the intention of those instructions that they should form a law for condemnation. In either case, compensation will follow.

My former letters have communicated the desire of the President that, in case we should have a war with Great Britain, we should not be excluded from privateering commissions.

You, sir, who have before you the whole of this affair, from its first breaking to the British Ministry, know best how to balance reciprocal concessions, which shall be satisfactory to the people of the United States. But the difficulty of accomplishing such a work is very apparent at all times; and the delicacy of undertaking to pay the damages sustained by British creditors by lawful impediments, in consideration of advantages under a different head, is, at this time, exceedingly great.

The question as to the first violation of the Treaty assumes an important shape, when your proposition for the United States to compensate the consequences of impeding the recovery of British debts is examined; because, if the British were the aggressors as to the negroes, we had a right to retaliate. But, throwing this out of sight, since it appears that you and Lord Grenville could not begin to agree until this discussion was dismissed, permit me to add, that the litigation will be extremely involved when it is attempted to ascertain the various kinds of losses arising from

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the deaths of the debtors, the loss of evidence, &c. The sum will not be inconsiderable. Many estates have been incapacitated to pay British debts by being deprived of their negroes by British arms. One-half, at least, of the United States would be very reluctant in assuming the payment of these sums, and, perhaps, would not think the *douceur*, in trading to the West Indies and other places, as sufficient. However, if it is necessary, in order to accomplish the negotiation amicably, that this species of compensation should be made, ought not the United States to be considered as assignee of the judgment entered up against the debtor, that they may reimburse themselves as far as they can?

You have doubtless considered how far we may be compelled to extend to the nations with whom we have Treaties of Commerce, the same privileges which are granted to Great Britain, and what the effect may be upon our revenue and commercial regulations.

Not only in the foregoing observations, but also in those which follow, and are more particularly directed to the commercial projet of Lord Grenville, have I been guided by these two ideas: 1, that, as much conference had taken place between yourself and Lord Grenville, at an early period after your arrival, and before any shape was given to the business by formal propositions, many points may have received, before that time, by mutual understanding, a form which candor or delicacy may create a difficulty in attempting to change; and 2, that, from the latitude of your instructions, you were left at such full liberty as to render it improper to seem to get rid of some share of responsibility, by passing too minute strictures on what has been done. I flatter myself that the style of our intercourse has satisfied you that nothing can be further from my mind than any measure which, in a similar situation, I should not wish to be pursued in my own case; and you may be assured that, if it was not for the hope that the course of this transaction, and my letter of the 12th ultimo, may, perhaps, have kept it unclosed, I would not trouble you with any remarks.

The greater part of the first article, in Lord Grenville's commercial projet, seems to be little more than that courtesy, and liberty of trade, and access to our ports, which is usually granted by one friendly nation to another. But, if its meaning extends further, will not the provision which subjects what respects this article to the general laws and statutes of the two countries, respectively, leave the whole of this matter to the discretion of the two countries, and thereby render the stipulation totally unavailing, at least when the Legislature of either chooses to make it so?

The second article is customary, and Lord Grenville's correction of it is, perhaps, more suitable to the temper of the United States, which would steer as clear as possible of giving the least handle to a foreign Government to seduce our citizens by the allurements of office. Is it intended that there should be no delineation of Consular powers, in any stage of the negotiation? The

customs of most nations differ on this head; and, for ourselves, it can hardly be said that we have any, except those which are defined in the Consular Convention with France.

In article 3d, the light-house duties of the particular kind being relinquished, it is an important consideration that, as the distinctions which now exist between foreign and our own vessels are really of moment to our trade, our merchants will see them relinquished with reluctance, unless there be some very obvious equivalent; and if the stipulation extends to the removal of the distinction in the duties on goods brought to the United States in British bottoms, their reluctance will be so much the stronger.

The fifth article wants reciprocity. The British system is established upon the most abundant experience and examination of all the relations of British commerce, and contains *now* numerous prohibitions. Our system, which time will mature and improve, contains none. By fixing this state of things, we should renounce an important right, of the defensive kind at least, and place ourselves on an equal footing. At any rate, it gives a claim to some very considerable equivalent.

I should have probably conjectured that this equivalent was supposed to be found in the sixth article, which opens to us the British West Indies to a certain degree, had it not been for your observation, that "you had strenuously urged the justice of compensation for the detention of the posts, and that you consider the privilege of trading to the West Indies as providing for claims of that kind." We are, therefore, led to weigh one part of this article against the other; to compare this article with the arrangements of our trade to British Europe, in the preceding articles, and to ascertain where the balance of advantage lies. Upon this head three remarks more particularly arise: 1st. The duration of the privilege to trade to the West Indies not being co-extensive with the other parts of the Treaty, the short term of its existence, as proposed to be granted, renders it of inconsiderable value. 2d. I confess that I would not positively say that the proviso which prohibits vessels of the United States from carrying "West India productions or manufactures in American vessels" from the British islands, or the United States, to any part of the world, except the United States, is to be interpreted so literally as to extend to the West India productions or manufactures, or the West India possessions of other countries than the dominions of Great Britain. But there is a doubt of some magnitude whether this proviso may not be so interpreted. If it is to be so interpreted, we should renounce a valuable branch of trade, now enjoyed, and probably much more than would be gained. You will, therefore, I am sure, see the propriety of removing the doubt and preventing the mischief. 3d. But, even if the proviso is not to be construed in this harsh sense, still it would imply, in its mildest signification, that, after we have brought into the United States the productions or manufactures of the British West Indies, and have, by our own labor, improved them, or converted them into another form, we shall not

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carry them, except in sea stores, or rum made in the United States, to any foreign dominion whatsoever, although it may not have the smallest dependency on Great Britain. This is unreasonable in every view. The restriction applies even to those West India productions and manufactures which British vessels themselves bring hither, because they find it profitable to do so. It dictates too much to the United States in what manner a certain portion of our foreign export trade is to be conducted. And why is Lord Grenville desirous that this should be done? Ought not the British Government to be contented with the advantage which they will possess by being able to carry the productions and manufactures of their West Indies directly to foreign ports, while we should be first obliged to land them in the United States? Besides, we shall expose ourselves, by such a stipulation with Great Britain, to be urged upon the same points by every nation which is entitled to enjoy the privileges of the most favored nation.

The duration of twelve years, given by the seventh article to the Treaty, as it respects the trade with Europe, and of only two years, as it respects the trade with the West Indies, will probably be very unacceptable. It will be the more so, as the commercial project of Lord Grenville does not even secure the *status quo* with the European dominions of Great Britain; that is, it does not secure the particular privileges and exemptions which we now enjoy by proclamation, compared with other foreign nations.

We might, perhaps, be better able to decide what is proper to be done, if we knew how far the whole of one project might be made, in the purpose of the British Ministry, the condition for the whole of the other; how far one part of one project may be the condition of another part of the other; or how far any particular part of either project may be the condition of the whole of that project. It is a great satisfaction, however, to believe that most of these remarks have occurred to yourself, and that the interest of the United States is well reposed in your discernment, talents, and zeal.

I have the honor to be, with the greatest respect, sir, your most obedient servant,

EDM. RANDOLPH.

Mr Jay to Mr. Randolph—No. 27.

LONDON, January 7, 1795.

SIR: I have been favored with yours of the 29th October, 3d of November, and 12th of November, with the papers mentioned in them.

Considering the number of capture cases which Mr. Bayard would have to manage, and apprehending that it might cost much time and trouble to prevail on private persons to become sureties for costs, it appeared to me advisable to propose to Lord Grenville a stipulation on that subject.

On the 17th of last month, I had a conference with his lordship. He expressed much satisfaction with Mr. Bayard's appointment. He considered it as a conciliatory measure, and would, with

pleasure, do whatever might depend upon him to facilitate the business. We both saw that difficulties would occur in forming such a stipulation. He promised to consider it, and, after consulting the Advocate General, to converse with me again upon the subject.

In the meantime, Colonel Trumbull set about making an accurate list of the papers in my possession, and which Mr. Bayard was to receive from me. That no time might be lost, several of the cases were delivered to him within a few days after his arrival.

On the 25th December, I received the following letter from Mr. Bird, viz:

LONDON, 25th December, 1794.

DEAR SIR: The offer I made two days ago to you and Mr. Pinckney was under the impression of the moment, and to give what little assistance might be in my power to remove any difficulty in the arrangements to be made for the adjustment of the appeals from our Courts of Vice Admiralty.

On hearing that the security of the United States was to be offered as bail in these appeals, it struck me that, although no possible difficulty could arise as to the validity of the security, an objection might be made to the bail being given by a Government, not liable to be sued, instead of the usual mode of the bail of a person, resident in London, who could be sued. Under this impression, I immediately made the offer that, in such case, where it would be wanted, I and my partners could give the bail, taking the counter security of the United States.

Having since made inquiries in the Commons, I find it likely that the objection would be made there on the ground of informality and deviation from the practice of the Court, unless it was set aside by an Order in Council.

Under these circumstances, having consulted my partners, and obtained their full concurrence, I beg leave to repeat the offer, that in all such cases where the security of the United States was intended to be offered, which I suppose to be in those appeals where the parties in America have not the means of giving security by their regular correspondents, and even in these cases, if it be the intention of the United States to give their security in them, my partners and I are ready to give the requisite bail, taking as our counter security the bail of the United States, in such manner and form as you are empowered to give it, and as shall by our counsel be deemed sufficient to secure us, and provide for the reimbursement of such sums as our bail may make us liable to.

This offer is made from an anxious desire to serve both countries, by assisting in paving the way for your obtaining full justice to your citizens for the real injuries they have suffered, particularly under the hasty order of November 6, which, from the first moment of knowing it, I have never ceased to condemn, as equally unjust and impolitic. As nothing but proper compensation for the injuries your citizens have suffered, under that and similar measures, can restore that

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cordial friendship which it has ever been my wish to promote between the two countries, I trust that, by this offer of my feeble services to America, I cannot give a stronger proof of my zealous attachment to the real interests of my own country.

I have the honor to be, &c.,

H. M. BIRD.

To the Hon. JOHN JAY, &c.

To this letter I returned the following answer :

LONDON, *December 26, 1794.*

DEAR SIR : I have been favored with your letter of yesterday, and am much obliged by the offer contained in it, which I think it expedient for Mr. Bayard to accept; I will prepare an instrument to provide for your being indemnified by the United States, which, when finished, I will submit to your consideration.

A copy of your letter shall be transmitted to the Secretary of State at Philadelphia, and I am persuaded that the friendly conduct of you and your partners, on this occasion, will make correspondent impressions on the Government and people of the United States.

I am, dear sir, your most obedient and humble servant,

JOHN JAY.

To H. M. BIRD, Esq.

In consequence of Mr. Bird's offer, I wrote the following letter to Lord Grenville, viz :

To the Right Honorable Lord Grenville, &c.

ROYAL HOTEL, PALM MALL,
December 26, 1794.

MY LORD : I have received a letter from Mr. H. M. Bird, of this city, containing an offer to become surety, together with his partners, for costs in the prosecution of claims and appeals in the capture cases, on engagements to be indemnified by the United States.

The difficulties which attend the stipulation on this subject, which I had the honor to propose to your lordship, induce me to think it advisable to accept this offer, and thereby relieve your lordship from further trouble on that head. I shall endeavor to make the necessary arrangements with Mr. Bird and his partners, and will inform your lordship of the result.

I have the honor to be, with great respect and esteem, your lordship's, &c.,

JOHN JAY.

To this letter I received the following answer, viz :

DOVER STREET, *December 26, 1794.*

DEAR SIR : I was about to write to you on the subject of the security, when I was prevented by your obliging letter. A slight indisposition, which has confined me to my room for these three last days, had hindered my seeing the King's Advocate, as I had proposed. I had, however, taken some steps to bring the subject under his consideration.

The difficulties which seemed likely to arise, are completely done away by the mode which you have adopted ; and I cannot omit this opportunity of again expressing to you the great gratification which we have all derived from so judicious and conciliatory a step as that taken by the President of the United States.

GRENVILLE.

To the Hon. JOHN JAY, &c.

After having prepared the papers which, in my judgment were proper for Mr. Bayard and myself to execute, in order to indemnify Mr. Bird, I sent them to him for his consideration. On the 3d instant, Mr. Bird called upon me : I explained to him exactly, in the presence of Mr. Pinckney, the precise state of the business ; I observed to him that the Congress had not as yet passed any act for appropriating money to these purposes ; but I had no doubt but that the arrangements contemplated, and the measures adopted by the President, relative to these cases, would meet with their approbation. He was desirous that the papers should specify the manner in which he should be reimbursed any sums which he might be obliged to pay. I observed that it was not in my power to make any provision of that kind, without further instructions. We then completed the draughts of the papers. He said he would consult his partners, and inform me without delay of their joint determination. In the evening I received the following letter from him, viz :

JEFFRIES SQUARE, *Saturday, 3 o'clock.*

DEAR SIR : My partners agreeing with me that we run no risk in trusting to the honor and integrity of the Executive and Legislature of the United States, to perfect what Mr. Bayard has been authorized to engage for, you may complete the writings, and I will call on you on Tuesday at twelve o'clock.

I am, &c.,

H. M. BIRD.

HON. JOHN JAY, &c.

The following are copies of the papers above mentioned, viz :

Whereas the Secretary of State of the United States of America hath officially informed me that the President of the said United States has been pleased to appoint you agent to manage claims and appeals in cases of irregular or illegal captures or condemnations of American vessels, or other property, under color of authority or commissions from His Britannic Majesty ; and whereas it will be necessary to the prosecution of the said claims and appeals that the usual security for costs in each cause be given ; and whereas Henry Martins Bird, Benjamin Savage, and Robert Bird, of the city of London, merchants, trading under the firm of Bird, Savage, & Bird, have offered to become securities, jointly or separately, as may be required, in the usual sums and form, for the payment of such costs as may be legally decreed against any such claimants or appellants, on the faith and engagement

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of the said United States to indemnify them for any losses or damages which they may sustain thereby; and whereas I am empowered and instructed to authorize you to execute bonds, and make engagements (under my direction) to effectuate the said purposes: Now, therefore, I do hereby authorize you, in your capacity of agent, aforesaid, to pledge the faith of the said United States to the said Bird, Savage, & Bird, that the said United States shall and will well and truly indemnify, and keep harmless, the said Bird, Savage, & Bird, and each and every of them, and their respective heirs, executors, and administrators, from and against all damages, costs, and charges, which they shall sustain or necessarily be put to, by reason of their becoming sureties as aforesaid, and will well and truly repay to them, their heirs, executors, or administrators, whatever sums of money they or either of them shall be obliged to pay on that account, together with interest for the same.

Given under my hand and seal, the fifth day of January, in the year one thousand seven hundred and ninety-five.

JOHN JAY.

Sealed and delivered in the presence of
JNO. TRUMBULL,
P. A. JAY.

To SAMUEL BAYARD, Esq.

Know all men by these presents, That, whereas John Jay, Envoy Extraordinary from the United States of America to His Britannic Majesty, hath made and delivered to me an instrument in writing, under his hand and seal, in the words following, viz:

To SAMUEL BAYARD, Esq.:

Whereas the Secretary of State of the United States of America hath officially informed me that the President of the said United States has been pleased to appoint you agent to manage claims and appeals in cases of irregular or illegal captures or condemnations of American vessels, or other property, under color of authority or commissions from His Britannic Majesty; and whereas it will be necessary to the prosecution of the said claims and appeals that the usual security for costs in each cause be given; and whereas Henry Martins Bird, Benjamin Savage, and Robert Bird, of the city of London, merchants, trading under the firm of Bird, Savage, & Bird, have offered to become sureties, jointly or separately, as may be required, in the usual sums and form, for the payment of such costs as may be legally decreed against any such claimants or appellants, on the faith and engagement of the said United States to indemnify them for any losses or damages which they may sustain thereby; and whereas I am empowered and instructed to authorize you to execute bonds and make engagements (under my direction) to effectuate the said purposes: Now, therefore, I do hereby authorize you, in your capacity of agent, aforesaid, to pledge the faith of the said United States to the said Bird, Savage, & Bird, that the said United States shall and will well and truly indemnify,

and keep harmless, the said Bird, Savage, & Bird, and each and every of them, and their respective heirs, executors, and administrators, from and against all damages, costs, and charges, which they shall sustain or necessarily be put to, by reason of their becoming sureties, as aforesaid, and will well and truly repay to them, their heirs, executors, or administrators, whatever sums of money they or either of them shall be obliged to pay on that account, together with interest for the same.

Given under my hand and seal, the fifth day of January, in the year of our Lord one thousand seven hundred and ninety-five.

Now, know ye, that I, the above-named Samuel Bayard, agent, as aforesaid, do hereby pledge the faith of the said United States to the said Bird, Savage, & Bird, that the said United States shall and will well and truly indemnify and keep harmless the said Bird, Savage, & Bird, and each and every of them, and their respective heirs, executors, and administrators, from and against all damages, costs, and charges, which they shall sustain or necessarily be put to, by reason of their becoming sureties, as aforesaid, and shall and will well and truly repay to them, their heirs, executors, or administrators, whatever sums of money they, or either of them, shall be obliged to pay on that account, with interest for the same.

In witness whereof, I, the said Samuel Bayard, agent, as aforesaid, have hereunto set my hand and seal, at London, on the — day of January, in the year of our Lord one thousand seven hundred and ninety-five.

Sealed and delivered in the presence of —.

Having more public money in my hands than I shall probably want, and Mr. Pinckney thinking that he could draw some money from Holland, we agreed each to place five hundred pounds in Mr. Bird's hands, as a fund to defray the current expenses of the prosecutions, until the measures to be taken on your side of the water for the purpose can be concerted.

When this is done, I purpose to give Mr. Bayard instructions relative to his drawing and applying moneys from this little fund; as to his agency, in general, I have given him the following, viz:

To SAMUEL BAYARD, Esq., *appointed by the President of the United States of America agent for claims and appeals, &c.*

It having been made my duty to give you instructions relative to your agency, I think it expedient to give you the following for the present, and will add to them as circumstances may require:

Agreeably to the advice which you have already received from me, you will procure a proper register, and enter in it the title of every cause, and note the different papers which belong to it, and minute, from time to time, every step and proceeding in the cause.

You will, I think, find it useful to class all the cases according to their discriminating and governing principles and merits. Considering the number and variety of cases, this cannot be

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hastily accomplished; much examination, care, and judgment, will be indispensable to performing it with accuracy; but, without such a classification, there will be danger of confusion; order facilitates every kind of business.

Make a correct statement of one or two cases of each class for the consideration and opinion of counsel; take their opinions in writing, and send them to the Secretary of State.

With respect to such of the classes as, in their opinion, may be prosecuted with a prospect of success, put all the cases of such classes as speedily as possible into a state for decision, but select one or two to take the lead for formal argument: to the end that the decrees in those cases may become rules whereby to decide all others under similar circumstances. There can be no use in expending time and money in causing long briefs and labored arguments to be prepared, in a great many causes, whose merits are essentially alike.

If any one or more of the classes cannot, in the opinion of counsel, be prosecuted with a prospect of success, you will, nevertheless, file the claims and appeals, but not proceed further, until you shall have sent the opinions to the Secretary of State, and received his instructions, provided there be time; otherwise it will be best to give one or two of the strongest cases a strenuous trial, even though the last resort; and, in the meantime, take care that none of the others go against you by default.

You will find that, in many of the cases, necessary documents and proofs are wanting; in such cases state the defects immediately to the Secretary of State; and (when opportunities offer) write also to the claimants or owners; point out, very particularly, what you want, and the manner in which the business should be done; and, if you have doubts, consult your counsellors. You know that commissions for examining witnesses abroad may be had, and may be expedient, in cases where extra proofs may be had, and be permitted. By all means avoid delay, and take care to be particular, perspicuous, and explicit in your communications.

Money will, from time to time, be wanted, to defray the expenses incident to the suits. Mention this to the Secretary of State, in order that proper measures for the purpose may be taken, without loss of time. The fund I am preparing for those expenses will not be adequate.

In some of the cases the claimants or owners will probably constitute agents of their own to manage them; should papers respecting such cases be in your hands, you will deliver them to such agents, taking their receipts for the same; cultivate a good understanding with such agents; be useful to them, and endeavor to dispose them to be useful to you.

You will regularly inform the Secretary of State of your progress and prospects in the business; and I think it would be well to submit to his consideration the expediency of sending you a formal appointment, together with such instructions as may be deemed proper.

Whenever an application to the Government

here would, in your opinion, be advisable, and on every other occasion, when you may desire advice and aid, you will apply to me, or, in my absence, to Mr. Pinckney.

You have undertaken an arduous task—great responsibility is attached to it. Although you have able counsellors in Sir William Scott and Dr. Nicholl, yet unremitting attention and diligence, on your part, will be absolutely necessary to your giving even a moderate degree of satisfaction to the many persons whose important interests are confided to your care and management. You will always find me ready to assist you in so conducting your agency as to render it beneficial and satisfactory to them, and honorable to yourself.

Given under my hand, at London, on the fifth day of January, in the year of our Lord one thousand seven hundred and ninety-five.

Permit me to suggest the expediency of arranging all matters that relate to Mr. Bayard's agency, as speedily as possible, and of giving him explicit instructions relative to the conduct of it. I shall, if alive and well, return in the Spring, and it will be best to provide for exchanging the ratifications of the Treaty, in case of my absence, by committing that formality either to Mr. Pinckney, if here, or to our Consul, Mr. Johnson.

I have had some conversation with the Lord Chancellor about the Maryland cause, and am inclined to think it will have a favorable issue. In this I may be mistaken; but I shall continue to attend to it. During the negotiation I could think of and attend to little else.

With sentiments of respect and esteem, I have the honor to be, sir, your most obedient and humble servant,

JOHN JAY.

The Hon. EDM. RANDOLPH,
Secretary of State, &c.

P. S. In my opinion, Mr. Pinckney should defer a certain business until the Treaty is ratified; it will afford him strong ground for strong measures. I think this Government would rather promote than mar the business alluded to; indeed, I am convinced of it, from a variety of considerations.

Mr. Jay to Mr. Randolph—No. 28.

LONDON, January 31, 1795.

SIR: You will herewith receive a duplicate of my letter of the 7th instant to which this will be little more than a supplement; since the date of it no letters from you have come to hand, nor has anything very interesting to the object of my mission occurred. My health is mended, and I wait with as much patience as I can command for the day of my return to my country and family.

On the 27th instant Mr. Bayard wrote me the following letter, viz:

HATTON GARDEN, January 27, 1795.

DEAR SIR: Your instructions of the 5th reached me on the 8th instant. The receipt of them I

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wished to acknowledge immediately, but was prevented by the circumstance of then changing my lodgings. Since my removal I have delayed this duty till I could announce to you some progress in the business under my care.

In pursuance of your former advice I had procured a "proper register," in which, conformably to your recent instruction, I have, with the assistance of a proctor, been engaged in entering the "title of every cause," in their order, as marked in Mr. Trumbull's list; the contents of every record and paper are examined, and the prominent features of every cause are copied into the register. In doing this, the first object of regard is to ascertain whether the usual time of entering an appeal has expired in any of the cases; that, if it has not, but shortly would expire, we might avoid the extra expense, delay, and trouble, of specially applying for leave to enter such appeal. Having accomplished this, our next step will be, agreeably to your instructions, to "class the cases according to their discriminating and governing principles and merits." After which your other directions will regularly come into operation, and be faithfully executed.

There are, as you observe, sir, "in many of the cases, necessary documents and proofs wanting." In such, as soon as I possibly can with accuracy, I propose "to state the defects to the Secretary of State, and (when opportunities offer) to the claimants or owners." But to supply, for the present, the want of this particular information, I have described minutely to the Secretary of State the kinds of evidence, and the mode of authenticating the same, that will be requisite to support the claims and appeals I am about to institute. If this should be communicated to the merchants of the United States, it will inform such as have sent forward some papers, the deficiencies to be supplied; and it will instruct such as have not yet forwarded any of their proofs, how to render them complete.

There is no one of your instructions I have more at heart, sir, than that which enjoins me, "by all means, to avoid delay." I am fully aware of the anxiety of the many persons whose interests I have in charge, speedily to obtain a restoration of the property of which they have been illegally deprived. I am aware, also, that our fellow-citizens, particularly those of the Eastern States, from being unaccustomed to great delay in legal controversies, will brook with impatience the dilatory proceedings of the English Courts of Admiralty. Rest assured, sir, I shall, therefore, diligently exert myself, and constantly urge our proctors to have the causes prepared for a hearing at the earliest moment, that no avoidable delay may exist, but if any should, that it may not be attributable to us.

The sum of money which the United States will have to advance for the prosecution of this business, I am sorry to say, will be very considerable. I have mentioned to the Secretary of State the average expense that will be incurred in each cause, and that ought to be provided for by the General Government. The proctors will expect

an advance of about thirty pounds, in each cause where proceedings are instituted, which they must disburse to the advocates, register, &c., and for which they will particularly account.

If I am occasionally to take the opinion of counsel, as you intimate, by remarking that "I shall have able counsellors in Sir William Scott and Dr. Nicholl," it seems necessary to apprise you that a compensation for the advice I may take will always be expected.

There are, sir, as you know, sundry agents of American merchants in town, who have under their care some cases of appeal or claim. I have been requested by some of them to assume the direction of these causes, and to prosecute them at the expense of the United States; this, however, I have declined doing until I could have your express instructions on the subject, which I request, as well for my own government as for the satisfaction of the gentlemen making the application.

In regard to the proctors whom we had best employ, I have made inquiry and taken advice. Messrs. Cricket and Townley, and Mr. Slade, have come forward with the strongest recommendations. Into the hands of the latter gentleman my judgment clearly points it out as our interest to put the larger part of the business; and for these reasons: he has in a Mr. Keernan a very able assistant; he has not much business at present on hand; he is highly recommended for his ability, energy, and despatch; he offers the whole time and attention of himself and associate to the American business; he has in no instance, during the present war, been concerned for captors, but always for neutral claimants; his principles, and many of his friendships, are American. To me, personally, it is more agreeable to transact business with him and his assistant, than with others of his profession.

On the other hand, Messrs. Cricket and Townley have a large mass of the Danish and Swedish business still on hand; this may interfere in some degree with that of our fellow-citizens. Mr. Cricket's public engagements throw the burden of his business on his partner; we cannot, of course, expect a devotion of even the larger part of his time to our causes. These things, however, sir, I state in perfect submission to your direction. Whatever instructions you may please to give in relation to the claims and appeals I am about to institute, it shall always be my pleasure, as it is my duty, implicitly and cheerfully to obey.

I have the honor to be, &c.,

SAMUEL RAYARD.

To the Hon. JOHN JAY, Esq.

To this letter I returned the following answer, viz :

ROYAL HOTEL, Pall Mall,

January 27, 1795.

DEAR SIR: I was this afternoon favored with your letter of yesterday, informing me, among other things, "that there are sundry agents of American merchants in town, who have under their care some cases of appeal or claim, and that

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you have been requested by some of them to assume the direction of those causes, and to prosecute them at the expense of the United States; that you had, however, declined doing it, until you should receive my express instructions on the subject."

In my opinion it will be proper for you to state this application to the Secretary of State, and be directed by such instructions as he may send to you relative to it. The claimants are now prosecuting these causes by their own agents, and perhaps from preference; and I much doubt the propriety of your assuming those causes at present, on the spontaneous applications of those agents. The United States will doubtless conduct their interposition in favor of claimants on such principles as shall be just and proper; and it will probably not be long before their arrangements and orders will be perfected and communicated to you.

As to the proctors most advisable to employ, Sir William Scott, from motives of professional delicacy, declined recommending any in particular. Having no personal knowledge of the characters or professional merits of any of them, I found it necessary to be guided by the opinions of others. Mr. Pinckney, our Minister, and Mr. Johnson, our Consul, assured me (as I mentioned to you) that Cricket and Townley, whom they had employed, had managed their business to their satisfaction. Their recommendation is with me decisive, as well from their ability and means of forming a right judgment, as from the confidence due to their private and public characters. As men, they are judicious and upright; as public officers, they gave me their opinions and advice, under a sense of official obligations, and under the influence of that attachment to our country and its interests which foreigners cannot readily be supposed to possess in an equal degree. Besides, it is a maxim with me, that they who are faithful to us and who conduct our affairs to our satisfaction, should not be neglected by us. Neglect, under such circumstances, gives unmerited pain, and encourages malevolent imputations. For these reasons I think it my duty to instruct you to employ Messrs. Cricket and Townley in all cases in which the claimants shall not have already employed proctors, or in which they shall not otherwise direct; provided, however, that you are perfectly free from all commitments to Mr. Slade. But if you are so circumstanced, relative to that gentleman, as that he has good reason to expect at least some share in the business, then, sir, I think it will be proper to give him such a number of the causes, not exceeding fifty, as in your opinion may be necessary to evince the fairness and sincerity of your intentions, in giving occasion to any reasonable expectations which your communications with him may have led him to entertain.

I postpone observations on pecuniary matters until the arrangement I am making on that subject, and which I mentioned to you, shall be completed. Be assured that every measure which may conduce to facilitate the business of your

agency will command the earnest attention and best endeavors of, dear sir, yours, &c.

To SAMUEL BAYARD, Esq.

Thus, sir, from this letter, and from No. 27, you will acquire exact information of my proceedings relative to Mr. Bayard's agency. I am endeavoring, in concert with Mr. Pinckney and Sir William Scott, to form such an arrangement relative to pecuniary matters as to regulate payments to the proctors, to prevent improper charges, and so, to conduct that part of the business, as that proper vouchers for all the expenditures may be kept and preserved. I am solicitous to prevail on Sir William Scott to examine the proctor's bills, and certify them to be right before they are paid. He has taken the subject into consideration, but as yet I have not got his answer. There are difficulties in forming this arrangement; I will do the best I can.

With sentiments of respect and esteem, I have the honor to be, sir, your most obedient and humble servant,

JOHN JAY.

HON. EDM. RANDOLPH, Esq.,

Secretary of State, &c.

P. S. Such is the nature and magnitude of the business of these capture cases, as that, on certain occasions, diplomatic and prudential, as well as legal proceedings may be advisable. Having maturely reflected on the subject, I take the liberty of submitting to your consideration the propriety of giving Mr. Pinckney a general superintendence over the business, and authorizing him to give Mr. Bayard such instructions as he may from time to time judge proper.

Mr. Jay to Mr. Randolph—No. 29.

LONDON, February 2, 1795.

SIR: It occurs to me that I have omitted to inform you that, after signing the Treaty, I took the three first opportunities which offered, of writing to our Minister at Paris, "that it contained an express declaration that nothing contained in it should be construed, or operate against existing Treaties between the United States and other Powers."

The following are copies of those letters, viz:

No. 1.

LONDON, November 24, 1794.

SIR: It gives me pleasure to inform you that a Treaty between the United States and His Britannic Majesty was signed on the 19th instant.

This circumstance ought not to give any uneasiness to the Convention. The Treaty expressly declares that nothing contained in it shall be construed or operate contrary to existing Treaties between the United States and other Powers. I flatter myself that the United States, as well as all their Ministers, will, upon every occasion, manifest the most scrupulous regard to good faith; and that those nations who wish our prosperity

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will be pleased with our preserving peace and good understanding with others.

I have the honor to be, &c.

Hon JAMES MONROE, Esq.,
Minister United States at Paris.

No. 2.

LONDON, November 25, 1794.

SIR: By a letter written and sent a few days ago, I had the pleasure of informing you that, on the 19th instant, the principal business of my mission was concluded by a Treaty signed on that day.

It contains a declaration that it shall not be construed nor operate contrary to our existing Treaties. As, therefore, our engagements with other nations remain unaffected by it, there is reason to hope that our preserving peace and a good understanding with this country, will not give uneasiness to any other. As the Treaty is not yet ratified it would be improper to publish it. It appears to me to be, upon the whole, fair, and as equal as could be expected. In some respects both nations will probably be pleased, and in others displeased.

I have the honor to be, with great respect, &c.

Hon Mr. MONROE, &c., *Paris.*

No. 3.

LONDON November 28, 1794.

SIR: Within this week past I have written to you two letters to inform you that, on the 19th instant, a Treaty between the United States and His Britannic Majesty was signed. The design of this letter is chiefly to introduce to you Mr. Pleasants, of Philadelphia, whose connexions there are respectable. I have not the pleasure of being personally acquainted with this gentleman, but as a fellow-citizen I wish to do him friendly offices; and I am persuaded that a similar disposition on your part will insure to him such a degree of attention as circumstances may render proper.

As Mr. Pinckney has a cipher with our other Ministers in Europe, either he or I will shortly use it, in communicating to you the principal heads of the Treaty confidentially. You need not hesitate, in the meantime, to say explicitly that it contains nothing repugnant to our engagements with any other nation.

With the best wishes for your health and prosperity, I have the honor to be, &c.

The Hon. JAMES MONROE, Esq.,
*Minister of the United States
to the French Republic.*

Considering that the declaration in question need not be kept secret, but, on the contrary, that advantages would result from its publicity, I also authorized a respectable American merchant here, who had correspondents in France, to mention it in explicit terms. My letters to Mr. Short and Mr. Adams conveyed the like information; it appeared to me proper to take these early measures

to obviate any disagreeable apprehensions which the French Convention might perhaps otherwise entertain. Whether our Minister at Paris received those letters, I have as yet no information from him. From Mr. Short and Mr. Adams I have received answers.

I have the honor to be, with sentiments of respect and esteem, sir, your most obedient and humble servant,

JOHN JAY.

The Hon. EDM. RANDOLPH, Esq.,
Secretary of State, &c.

Mr. Jay to Mr. Randolph—No. 30.

LONDON, February 5, 1795.

SIR: I received yesterday the following letter from Mr. Monroe, our Minister at Paris, viz:

PARIS, January 17, 1795.

SIR: Early in December last, English papers were received here, containing such accounts of your adjustments with the British administration as excited much uneasiness in the councils of this Government, and I had it in contemplation to despatch a confidential person to you for such information of what had been done as would enable me to remove it. At that moment, however, I was favored with yours of the 25th November, intimating that the contents of the Treaty could not be made known until it was ratified, but that I might say it contained nothing derogatory to our existing Treaties with other Powers. Thus advised, I thought it improper to make the application, because I concluded the arrangement was mutual, and not to be departed from. I proceeded, therefore, to make the best use in my power of the information already given.

To-day, however, I was favored with yours of the 28th of the same month, by which I find you consider yourself at liberty to communicate to me the contents of the Treaty; and as it is of great importance to our affairs here to remove all doubt upon this point, I have thought it fit to resume my original plan of sending a person to you for the necessary information, and have in consequence despatched the bearer, Mr. John Purviance, for that purpose. I have been the more induced to this from the further consideration, that, in case I should be favored with the communication promised in cipher, it would be impossible for me to comprehend it, as Mr. Morris took his off with him. Mr. Purviance is from Maryland, a gentleman of integrity and merit, and to whom you may commit whatever you may think proper to confide with perfect safety. It is necessary, however, to observe, that, as nothing will satisfy this Government but a copy of the instrument itself, and which as our ally, it thinks itself entitled to, so it will be useless for me to make to it any new communication short of that; I mention this that you may know precisely the state of my engagements here, and how I deem it my duty to act under them in relation to this object. I beg leave to refer you to Mr. Purviance for whatever other information you may wish to have either

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on this subject, or the affairs more generally of this Republic.

I have the honor to be, with great respect, your most obedient servant,

JAMES MONROE.

To this letter I returned the following answer, viz:

LONDON, *February 5, 1795.*

SIR: I have received the letter which you did me the honor to write on the 17th of last month by Mr. Purviance. It is much to be regretted that any unauthorized accounts, in English newspapers, of my "adjustments with the British administration," should have excited much uneasiness in the councils of the French Government; and the more so, as it does not imply that confidence in the honor and good faith of the United States which they certainly merit.

You must be sensible that the United States, as a free and independent nation, have an unquestionable right to make any pacific arrangements with other Powers which mutual convenience may dictate; provided those arrangements do not contradict or oppugn their prior engagements with other States.

Whether this adjustment was consistent with our Treaty with France, struck me as being the only question which could demand or receive the consideration of that Republic, and I thought it due to the friendship subsisting between the two countries that the French Government should have, without delay, the most perfect satisfaction on that head. I, therefore, by three letters of the 24th, 25th, and 28th of November, 1794, gave you what I hoped would be very acceptable and satisfactory information on that point. I am happy in this opportunity of giving you an exact and literal extract from the Treaty; it is in these words, viz:

"Nothing in this Treaty contained shall, however, be construed, or operate contrary to former and existing public Treaties with other Sovereigns or States."

Considering that events favorable to our country could not fail to give you pleasure, I did intend to communicate to you concisely some of the most interesting particulars of this Treaty, but in the most perfect confidence, as that instrument has not yet been ratified, nor received the ultimate forms necessary to give it validity. As further questions respecting parts of it may yet arise, and give occasion to further discussions and negotiations, so that, if finally concluded at all, it may then be different from what it now is, the impropriety of making it public at present is palpable and obvious; such a proceeding would be inconvenient and unprecedented. It does not belong to Ministers who negotiate Treaties to publish them even when perfected, much less Treaties not yet completed, and remaining open to alteration or rejection. Such acts belong exclusively to the Governments who form them.

I cannot but flatter myself that the French Government is too enlightened and reasonable to expect that any consideration ought to induce me

to overleap the bounds of my authority, or to be negligent of the respect which is due to the United States. That respect, and my obligations to observe it, will not permit me to give, without the permission of their Government, a copy of the instrument in question to any person, or for any purpose; and by no means for the purpose of being submitted to the consideration and judgment of the councils of a foreign nation, however friendly.

I will, sir, take the earliest opportunity of transmitting a copy of your letter to me, and of this in answer to it, to the Secretary of State, and will immediately and punctually execute such orders and instructions as I may receive on the subject.

I have the honor to be, with great respect, sir, your most obedient, humble servant,

JOHN JAY.

The Hon. JAMES MONROE,
*Minister of the United States
to the Republic of France.*

As this letter and the answer to it speak for themselves, I forbear making any remarks.

I have the honor to be, with respect and esteem, sir, your most obedient and humble servant,

JOHN JAY.

The Hon. EDM. RANDOLPH, Esq.,
Secretary of State.

Mr. Jay to Mr. Randolph—No. 31.

LONDON, *February 6, 1795.*

SIR: I was yesterday honored with yours of the 3d December last. Our vessels here being confined by the ice, I think it best to send you some despatches by the packet.

In considering the Treaty, it will doubtless be remembered, that there must be two to make a bargain. We could not agree about the negroes. Was that a good reason for breaking up the negotiation? I mentioned in a former letter, that I considered our admission into the islands as affording compensation for the detention of the posts, and other claims of that nature. In that way we obtain satisfaction for the negroes, though not in express words.

We are not obliged by Treaty to permit the French to sell prizes in our ports. By denying that privilege to all, we adhere to the line of impartiality; and without being assured of impartiality on our part, Britain would not have granted us what she has.

I wish the season had permitted me to accompany the Treaty, for I think it is in my power to give you satisfactory answers to every question that can arise from it.

I have the honor to be, with respect and esteem, sir, your most obedient servant.

JOHN JAY

The Hon. EDM. RANDOLPH,
Secretary of State.

Mr. Jay to Mr. Randolph—No. 32.

LONDON, *February 22, 1795.*

SIR: This letter will comprise a duplicate of

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my letter to you, No. 30, of the 5th instant, and also a copy of an additional letter which I wrote to Mr. Monroe on the 19th instant, and which will be carried to Paris by Col. Trumbull (See No. 30.)

Copy of an additional letter, viz:

LONDON, February 19, 1795.

SIR: On the 5th of this month I had the honor of writing to you a letter in answer to yours of the 17th ult. by Mr. Purviance, who is still here waiting for an opportunity to return, and who will be the bearer of that letter.

You will receive this by Col. Trumbull, who, for some time past, has been waiting for an opportunity to go through Paris to Stutgard on private business of his own. He did me the favor to accompany me to this country as my Secretary. He has been privy to the negotiation of the Treaty between the United States and Great Britain, which I have signed; and having copied it, is perfectly acquainted with its contents. He is a gentleman of honor, understanding, and accuracy, and able to give you satisfactory information relative to it. I have thought it more advisable to authorize and request him to give you this information personally than to send you written extracts from the Treaty, which might not be so satisfactory. But he is to give you this information in perfect confidence that you will not impart it to any person whatever; for, as the Treaty is not yet ratified, and may not be finally concluded in its present form and tenor, the inconveniences which a premature publication of its contents might produce, can only be obviated by secrecy in the meantime. I think myself justifiable in giving you the information in question, because you are an American Minister, and because it may not only be agreeable, but perhaps useful.

I have the honor to be, with great respect, sir, your most obedient and humble servant,

JOHN JAY.

The Hon. JAMES MONROE, Esq.

I flatter myself that these letters which I have written to Mr. Monroe will meet with the President's and your approbation.

I have the honor to be, with sentiments of respect and esteem, sir, your most obedient and humble servant,

JOHN JAY.

The Hon. EDM. RANDOLPH, Esq.

Secretary of State, &c.

P. S. I have been honored with yours of the 4th November, and 11th and 16th of December, and with duplicates of yours of 15th, 20th, and 23d December last, and in reply, shall write by one of the Philadelphia vessels, soon to sail.

Mr. Jay to Mr. Randolph—No. 33.

LONDON, March 5, 1795.

SIR: On the 7th of last month I received the letter you was so obliging as to write me on the 16th December last, requesting to be informed

what would probably be required for my expenditures over the eighteen thousand dollars, in order that you might lodge a proper sum for me in Amsterdam.

It gives me pleasure to inform you that the eighteen thousand dollars will, in my opinion, be more than sufficient for the expenses incident to my mission. When you receive my letter respecting Mr. Bayard's agency, and the expenses that will attend it, and for which provision was yet to be made, you will be informed of my intention to apply part of these eighteen thousand dollars to those expenses; and consequently, that further supplies to me would not be requisite. It is, nevertheless, proper that I should write to you particularly about my expenditures, and I should have done it sooner, had I been less engaged about other matters more immediately interesting.

On considering of the manner of dwelling most advisable for me to adopt during my stay here, four plans or modes engaged my attention. To take a house and purchase furniture, &c.; to take a house and hire furniture, &c.; to take lodgings; to reside in a hotel.

To take a house and furnish it, to hire and provide for the number of servants that would be necessary, to purchase the plate, china, glass, linen, liquors, kitchen utensils, and the many other articles which according to the most strict rules of economy and propriety, would be indispensable, would, with the expense of a decent table, carriage, &c., require nearly the whole sum allotted. On my return to America, all these things would remain to be sold at auction, and at a very great loss.

To take a house and hire the furniture, and the numerous other necessary articles, was liable to objections equally strong. The ordinary rate of hire, I was told, amounted to an exceeding high interest on the prime cost. I should be responsible for loss, waste, and damage, and be exposed to disputes, and extravagant demands about them. An equal number of servants would be requisite, and the losses from their peculation and mismanagement would be the same. To go into lodgings, I soon found was out of the question, there being none of a proper class, where a table would be provided. From these concise hints, you will perceive that, of these plans, that of residing in a hotel was the most expedient.

The expenses of living in a hotel are well known to be extravagantly high, but they are simple; many servants would not be necessary; and, on calculation, it became evident that the excess in the price of everything which I should there pay, would not amount to near as much as the losses and extra expenses incident to either of the two first-mentioned plans. But had this been otherwise, there was an objection which appeared to me of still greater importance. As I expected to remain in this country only until my business should be finished, anything that looked like a settled establishment would have counteracted the idea of a residence only for a few months, and would naturally have created and justified an opinion that I did not expect to have my negotiations ter-

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minated with that expedition which I professed and pressed.

To reside in a hotel not being usual for a foreign Minister, I took care to let it be known that I expected to return in the course of a few months, and therefore could have no inducement to take a house.

The hotel I preferred is the one I am still in, viz: Royal Hotel, in Pall Mall, near St. James—the first, but the most expensive in London. My reasons for preferring the first must be obvious to you, and need not to be particularized. I have but three servants—the one I brought with me, a footman, and a coachman—yet my expenses run high, and the bills are often so like exactions as sometimes to try my patience. I know that I pay more than is reasonable, and am frequently charged rather according to the station I am in than the value of what I have; but I am nevertheless certain that, in this situation, less of the public money in my hands will be expended than in any other in which I could, with propriety, have placed myself.

Having perfect confidence in the accuracy, as well as integrity, of Colonel Trumbull, I have made it an invariable rule, from the beginning, to commit to him the settlement and payment of all accounts, and the keeping of the books in which they are entered. I have therefore given him successive orders on my bankers for generally about one hundred pounds at a time, for which he made himself debtor, and regularly accounted. I regret that his private concerns call him to Stutgard; but that being the case, I could not refuse my consent. His salary is paid up to the 12th of last month. My son will act for him as Secretary during his absence, so that his appointment and salary will continue until my departure for America. Until his return, I shall cause all moneys paid out to pass through the hands of my son. Pecuniary transactions for others are always delicate, and the utmost care and fidelity will not always be sufficient to guard one against the suspicions and imputations which certain characters (common to all countries) may find it convenient to germinate and encourage.

When Mr. J. Q. Adams was here, on his way to Holland, I advanced him fifty guineas. The following extract of a letter from him, of the 21st November last, explains the manner in which that sum is to be accounted for to the public:

“The fifty guineas for which you was so obliging as to give me an order upon the Messrs. Cazanove, our bankers here have agreed to charge to my account; it will therefore be no further troublesome to you.”

The bills you gave me for 40,746.4 on Amsterdam	
were negotiated by the Messrs. Cazanove, and	
produced, in sterling	£3,391 13 5
The draft for \$1,000 on the Branch	
Bank at New York produced	219 9 0
	<u>£3,611 2 5</u>

Of this money somewhat more than one-half still remains, and there are no outstanding accounts to pay.

With sentiments of respect and esteem, I have the honor to be, sir, your most obedient and humble servant,

JOHN JAY.

The Hon. EDM. RANDOLPH,
Secretary of State, &c.

Mr. Jay to Mr. Randolph.

NEW YORK, May 28, 1795.

SIR: It appearing by advices from America that the Treaty had not arrived at Philadelphia the last of February, I concluded that the ratification could not reach me in season to return in any of the Spring vessels that yet remained. I embarked at Bristol the 12th April, on board the *Severn*, Captain Goodrich, and landed here this afternoon, when I had the pleasure of receiving yours of the 26th of last month. Not having had a well day during the voyage, I am at present too feeble to undertake a journey to Philadelphia: perhaps I may in a week or ten days be so far recruited as to be able to perform it. It will be useful that we confer. At this moment I cannot enlarge, for want of leisure; besides, I find myself greatly fatigued. Remember me to the President. Accept my thanks for your obliging attention to Mrs. Jay.

Yours, &c.

JOHN JAY.

The Hon. EDM. RANDOLPH,
Secretary of State, &c.

Mr. Jay to Mr. Randolph.

NEW YORK, June 1, 1795.

SIR: Last Thursday evening I wrote you a few hasty lines, to inform you that I had just arrived; that I had received your letter of the 26th ultimo; that I was too feeble to repair immediately to Philadelphia; and that I hoped to be able to undertake the journey in eight or ten days. Be so good as to inform me whether I may expect you here; if not, I will go for a few days out of town, where I should probably recruit faster than at home. I shall attempt the journey to Philadelphia within a fortnight, unless I should grow weaker, which I do not apprehend. The communications proposed for the Senate indicate the disposition I expected. I had no apprehensions on that head, being persuaded that those communications would be entirely directed by regard to public good. Be pleased to present my respectful compliments to the President.

With sentiments of respect and esteem, I remain, sir, your most obedient servant,

JOHN JAY.

The Hon. EDM. RANDOLPH,
Secretary of State.

Mr. Jay to Mr. Randolph.

NEW YORK, June 1, 1795.

SIR: Since writing to you this morning, by Mr. Bingham, I have been honored with yours of the 30th ultimo.

Your reasons for not thinking it advisable to leave Philadelphia at present are, I think, conclusive.

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In the course of the next week I hope to be with you, and then to give you more full and satisfactory answers to your letter than the following concise ones, viz : To the first question. In my opinion the views of Great Britain, when I arrived there, had been, and then were, so far hostile to us as they had been rendered so by popular indications of a disposition in this country to aid France in the war against her.

2. I am convinced that the evacuation of the posts at a more early period was (for the reasons mentioned in my letter on that subject) unattainable. It was my duty—and I have strenuously, and I believe successfully, endeavored—to exhaust their ultimatums.

3. Notwithstanding all that could be said to postpone the prohibition to sell prizes until after the present war, it was insisted that, as on the one hand, they asked nothing from us but what they had a right to expect from a neutral nation, so, on the other, that no deviations from the line of impartiality (not stipulated for by our pre-existing Treaties) could possibly be admitted.

4. Most clearly the Treaty does prohibit the re-exportation from the United States, in American vessels, of the West India commodities enumerated in the Treaty, though brought from French islands, it being impossible to distinguish; but we may carry them from French or other islands (not British) to Europe. That article being offered as a privilege or boon, we cannot avail ourselves of it without complying with the stipulation to pass laws to prohibit the re-exportation of the enumerated articles. If the article should be regarded as ineligible, might not the passing of those laws be postponed, and the trade continue to go on as at present—taking care properly to represent to the British Government the wishes of the United States that this article may not be carried into execution, and requesting their consent to its remaining dormant? In my opinion, however, it is manifestly our interest to accept and to execute it; especially, considering its very limited duration, and the probability of its being introductory to more favorable arrangements, as the public mind in Britain shall gradually become more reconciled to this and the other unprecedented departures from their favorite navigation act.

5. The Danish spoiliations were not adjusted when our Treaty was signed, and I have no idea of their obtaining better terms.

6. The discussions in the Admiralty will probably be tedious, and the more so from the want of documents in the great majority of the cases. In a large number of them appeals and claims have not yet been lodged, for want even of the names of the parties.

7. Such orders may be expected as the Treaty, according to its true intent and meaning, shall dictate. I believe it will be fairly and liberally executed, unless new cases of irritation and disgust should arise. I have, for my part, no doubt of their dispositions and sincere desire to give the system of conciliation with us a full and fair experiment.

With sentiments of respect and esteem, I have

the honor to be, sir, your most obedient and humble servant,

JOHN JAY.

The Hon. EDM. RANDOLPH,
Secretary of State, &c.

Treaty of Amity, Commerce, and Navigation, between his Britannic Majesty and the United States of America, by their President, with the advice and consent of their Senate.

His Britannic Majesty and the United States of America being desirous, by a Treaty of Amity, Commerce, and Navigation, to terminate their differences in such a manner as, without reference to the merits of their respective complaints and pretensions, may be the best calculated to produce mutual satisfaction and good understanding; and also to regulate the commerce and navigation between their respective countries, territories, and people, in such a manner as to render the same reciprocally beneficial and satisfactory; they have, respectively, named their Plenipotentiaries, and given them full powers to treat of and conclude the said Treaty—that is to say: His Britannic Majesty has named for his Plenipotentiary the Right Honorable William Windham, Baron Grenville, of Wotton, one of His Majesty's Privy Council, and His Majesty Principal Secretary of State for Foreign Affairs; and the President of the said United States, by and with the advice and consent of the Senate thereof, hath appointed for their Plenipotentiary the Honorable John Jay, Chief Justice of the said United States, and their Envoy Extraordinary to His Majesty—who have agreed on and concluded the following articles:

ART. 1. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between his Britannic Majesty, his heirs and successors, and the United States of America; and between their respective countries, territories, cities, towns, and people of every degree, without exception of persons or places.

ART. 2. His Majesty will withdraw all his troops and garrisons from all posts and places within the boundary lines assigned by the Treaty of Peace to the United States. This evacuation shall take place on or before the first day of June, one thousand seven hundred and ninety-six, and all the proper measures shall in the interval be taken by concert between the Government of the United States and His Majesty's Governor General in America, for settling the previous arrangements which may be necessary respecting the delivery of the said posts—the United States, in the meantime, at their discretion, extending their settlements to any part within the said boundary line, except within the precincts or jurisdiction of any of the said posts. All settlers and traders within the precincts or jurisdiction of the said posts shall continue to enjoy, unmolested, all their property of every kind, and shall be protected therein. They shall be at full liberty to remain there, or to remove, with all or any part of their effects; and it shall also be free to them to sell their lands, houses, or effects, or to retain the property thereof,

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at their discretion. Such of them as shall continue to reside within the said boundary lines shall not be compelled to become citizens of the United States, or to take any oath of allegiance to the Government thereof; but they shall be at full liberty so to do if they think proper, and they shall make and declare their election within one year after the evacuation aforesaid. And all persons who shall continue there after the expiration of the said year without having declared their intention of remaining subjects of His Britannic Majesty, shall be considered as having elected to become citizens of the United States.

ART. 3. It is agreed that it shall at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two parties, on the Continent of America, (the country within the limits of the Hudson's Bay Company only excepted,) and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other. But it is understood that this article does not extend to the admission of vessels of the United States into the seaports, harbors, bays, or creeks, of his Majesty's said territories, nor into such parts of the rivers in His Majesty's said territories as are between the mouth thereof and the highest port of entry from the sea, except in small vessels trading *bona fide* between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect, nor to the admission of British vessels from the sea into the rivers of the United States, beyond the highest ports of entry for foreign vessels from the sea. The river Mississippi shall, however, according to the Treaty of Peace, be entirely open to both parties; and it is further agreed that all the ports and places on its Eastern side, to whichever of the parties belonging, may freely be resorted to and used by both parties, in as ample a manner as any of the Atlantic ports or places of the United States, or any of the ports or places of His Majesty in Great Britain.

All goods and merchandise whose importation into His Majesty's said territories in America shall not be entirely prohibited, may freely, for the purposes of commerce, be carried into the same in the manner aforesaid, by the citizens of the United States, and such goods and merchandise shall be subject to no higher or other duties than would be payable by his Majesty's subjects on the importation of the same from Europe into the said territories. And in like manner, all goods and merchandise whose importation into the United States shall not be wholly prohibited, may freely, for the purposes of commerce, be carried into the same in the manner aforesaid, by His Majesty's subjects, and such goods and merchandise shall be subject to no higher or other duties than would be payable by the citizens of the United States on the importation of the same in American vessels into the Atlantic ports of the said States. And all goods not prohibited to be exported from the said terri-

ties respectively, may, in like manner, be carried out of the same by the two parties respectively, paying duty aforesaid.

No duty of entry shall ever be levied by either party on peltries brought by land or inland navigation into the said territories respectively, nor shall the Indians passing or repassing with their own proper goods and effects, of whatever nature, pay for the same any impost or duty whatever. But goods in bales, or other large packages, unusual among Indians, shall not be considered as goods belonging *bona fide* to Indians.

No higher or other tolls or rates of ferriage than what are or shall be payable by natives shall be demanded on either side; and no duties shall be payable on any goods which shall merely be carried over any of the portages or carrying places on either side, for the purpose of being immediately reimported and carried to some other place or places. But as, by this stipulation, it is only meant to secure to each party a free passage across the portages on both sides, it is agreed that this exemption from duty shall extend only to such goods as are carried in the usual and direct road across the portage, and are not attempted to be in any manner sold or exchanged during their passage across the same; and proper regulations may be established to prevent the possibility of any frauds in this respect.

As this article is intended to render, in a great degree, the local advantages of each party common to both, and thereby to promote a disposition favorable to friendship and good neighborhood, it is agreed that the respective Governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary protection to be extended to all who may be concerned therein.

ART. 4. Whereas it is uncertain whether the river Mississippi extends so far to the northward as to be intersected by a line to be drawn due west from the Lake of the Woods, in the manner mentioned in the Treaty of Peace between His Majesty and the United States, it is agreed that measures shall be taken in concert between His Majesty's Government in America and the Government of the United States for making a joint survey of the said river, from one degree of latitude below the falls of St. Anthony, to the principal source or sources of the said river, and also of the parts adjacent thereto; and that if, on the result of such survey, it should appear that the said river would not be intersected by such a line as is above mentioned, the two parties will thereupon proceed, by amicable negotiation, to regulate the boundary line in that quarter, as well as all other points to be adjusted between the said parties, according to justice and mutual convenience, and in conformity to the intent of the said Treaty.

ART. 5. Whereas doubts have arisen what river was truly intended under the name of the river St. Croix, mentioned in the said Treaty of Peace, and forming a part of the boundary therein described, that question shall be referred to the final

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decision of Commissioners, to be appointed in the following manner, viz :

One Commissioner shall be named by His Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof, and the said two Commissioners shall agree on the choice of a third ; or, if they cannot so agree, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the two original Commissioners. And the three Commissioners, so appointed, shall be sworn impartially to examine and decide the said question, according to such evidence as shall respectively be laid before them on the part of the British Government and of the United States. The said Commissioners shall meet at Halifax, and shall have power to adjourn to such other place or places as they shall think fit. They shall have power to appoint a secretary, and to employ such surveyors or other persons as they shall judge necessary. The said Commissioners shall, by a declaration, under their hands and seals, decide what river is the river St. Croix, intended by the Treaty. The said declaration shall contain a description of the said river, and shall particularize the latitude and longitude of its mouth and of its source. Duplicates of this declaration, and of the statements of their accounts, and of the journal of their proceedings, shall be delivered by them to the agent of His Majesty, and to the agent of the United States, who may be respectively appointed and authorized to manage the business on behalf of the respective Governments. And both parties agree to consider such decision as final and conclusive, so as that the same shall never thereafter be called into question, or made the subject to dispute or difference between them.

ART. 6. Whereas it is alleged by divers British merchants, and others, His Majesty's subjects, that debts to a considerable amount, which were *bona fide* contracted before the peace, still remain owing to them by citizens or inhabitants of the United States, and that, by the operation of various lawful impediments since the peace, not only the full recovery of the said debts has been delayed, but also the value and security thereof have been in several instances impaired and lessened, so that, by the ordinary course of judicial proceedings, the British creditors cannot now obtain, and actually have and receive full and adequate compensation for such losses and damages which they have thereby sustained, it is agreed that, in all such cases, where full compensation for such losses and damages cannot, for whatever reason, be actually obtained, had, and received, by the said creditors, in the ordinary course of justice, the United States will make full and complete compensation for the same to the said creditors ; but it is distinctly understood that this provision is to extend to such losses only as have been occasioned by the lawful impediments aforesaid, and is not to extend to losses occasioned by such insolvency of the debtors, or other causes, as would equally have operated to produce such loss, if the said impediments had not existed, nor

to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission, of the claimant.

For the purpose of ascertaining the amount of any such losses and damages, five Commissioners shall be appointed, and authorized to meet and act in manner following, viz : Two of them shall be appointed by His Majesty, two of them by the President of the United States, by and with the advice and consent of the Senate thereof, and the fifth by the unanimous voice of the other four ; and if they should not agree in such choice, then the Commissioners named by the two parties shall respectively propose one person, and of the two names so proposed one shall be drawn by lot, in the presence of the four original Commissioners. When the five Commissioners thus appointed shall first meet, they shall, before they proceed to act, respectively take the following oath or affirmation, in the presence of each other ; which oath, or affirmation, being so taken, and duly attested, shall be entered on the record of their proceedings, viz : I, A B, one of the Commissioners appointed in pursuance of the sixth article of the Treaty of Amity, Commerce, and Navigation, between His Britannic Majesty and the United States of America, do solemnly swear (or affirm) that I will honestly, diligently, impartially, and carefully examine, and, to the best of my judgment, according to justice and equity, decide, all such complaints as, under the said article, shall be preferred to the said Commissioners ; and that I will forbear to act as a Commissioner in any case in which I may be personally interested.

Three of the said Commissioners shall constitute a Board, and shall have power to do any act appertaining to the said Commissioners, provided that one of the Commissioners named on each side, and the fifth Commissioner, shall be present ; and all decisions shall be made by the majority of the voices of the Commissioners then present. Eighteen months from the day on which the said Commissioners shall form a Board, and be ready to proceed to business, are assigned for receiving complaints and applications ; but they are, nevertheless, authorized, in any particular cases in which it shall appear to them to be reasonable and just, to extend the said term of eighteen months for any term, not exceeding six months, after the expiration thereof. The said Commissioners shall first meet at Philadelphia, but they shall have power to adjourn from place to place, as they shall see cause.

The said Commissioners, in examining the complaints and applications so preferred to them, are empowered and required, in pursuance of the true intent and meaning of this article, to take into their consideration all claims, whether of principal or interest, or balances of principal and interest, and to determine the same, respectively, according to the merits of the several cases, due regard being had to all the circumstances thereof, and as equity and justice shall appear to them to require. And the said Commissioners shall have power to examine all such persons as shall come before them, on oath or affirmation, touching the

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premises; and also to receive in evidence, according as they may think most consistent with equity and justice, all written depositions, or books, or papers, or copies, or extracts thereof; every such deposition, book, or paper, or copy, or extract, being duly authenticated, either according to the legal forms now respectively existing in the two countries, or in such other manner as the said Commissioners shall see cause to require or allow.

The award of the said Commissioners, or of any three of them, as aforesaid, shall, in all cases, be final and conclusive, both as to the justice of the claim and to the amount of the sum to be paid to the creditor or claimant. And the United States undertake to cause the sum so awarded to be paid in specie to such creditor or claimant, without deduction; and at such time or times, and at such place or places, as shall be awarded by the said Commissioners; and on condition of such releases or assignments to be given by the creditor or claimant, as by the said Commissioners may be directed: provided, always, that no such payment shall be fixed by the said Commissioners to take place sooner than twelve months from the day of the exchange of the ratifications of this Treaty.

ART. 7. Whereas complaints have been made by divers merchants and other citizens of the United States, that, during the course of the war in which His Majesty is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captures or condemnations of their vessels and other property, under color of authority or commissions from His Majesty; and that, from various circumstances belonging to the said cases, adequate compensation for the losses and damages so sustained cannot now be actually obtained, had, and received, by the ordinary course of judicial proceedings; it is agreed that, in all such cases where adequate compensation cannot, for whatever reason, be now actually obtained, had, and received, by the said merchants and others, in the ordinary course of justice, full and complete compensation for the same will be made by the British Government to the said complainants. But it is distinctly understood that this provision is not to extend to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission, of the claimant.

That, for the purpose of ascertaining the amount of any such losses and damages, five Commissioners shall be appointed, and authorized to act in London, exactly in the manner directed with respect to those mentioned in the preceding article; and, after having taken the same oath or affirmation, (*mutatis mutandis*,) the same term of eighteen months is also assigned for the reception of claims, and they are in like manner authorized to extend the same in particular cases. They shall receive testimony, books, papers, and evidence, in the same latitude, and exercise the like discretion and powers, respecting that subject; and shall decide the claims in question according to the merits of the several cases, and to justice, equity, and the Laws of Nations. The

award of the said Commissioners, or any such three of them, as aforesaid, shall, in all cases, be final and conclusive, both as to the justice of the claim and the amount of the sum to be paid to the claimant; and His Britannic Majesty undertakes to cause the same to be paid to such claimant in specie, without any deduction, at such place or places, and at such time or times, as shall be awarded by the said Commissioners, and on condition of such releases or assignments to be given by the claimant, as by the aforesaid Commissioners may be directed.

And whereas certain merchants and others, His Majesty's subjects, complain that, in the course of the war, they have sustained loss and damage, by reason of the capture of their vessels and merchandise, taken within the limits and jurisdiction of the States, and brought into the ports of the same, or taken by vessels originally armed in ports of the said States, it is agreed that, in all such cases, where restitution shall not have been made agreeably to the tenor of the letter from Mr. Jefferson to Mr. Hammond, dated at Philadelphia, September 5, 1793, a copy of which is annexed to this Treaty, the complaints of the parties shall be, and hereby are, referred to the Commissioners to be appointed by virtue of this article, who are hereby authorized and required to proceed, in the like manner, relative to these as to the other cases committed to them; and the United States undertake to pay to the complainants or claimants, in specie, without deduction, the amount of such sums as shall be awarded to them respectively by the said Commissioners, and at the times and places which, in such awards, shall be specified; and on condition of such releases or assignments to be given by the claimants, as in the said awards may be directed; and, it is further agreed that not only the now existing cases of both descriptions, but also all such as shall exist at the time of exchanging the ratifications of this Treaty, shall be considered as being within the provisions, intent, and meaning, of this article.

ART. 8. It is further agreed that the Commissioners, mentioned in this and in the two preceding articles, shall be respectively paid in such manner as shall be agreed between the two parties, such agreement being to be settled at the time of the exchange of the ratifications of this Treaty. And all other expenses, attending the said Commissioners, shall be defrayed jointly by the two parties, the same being previously ascertained and allowed by the majority of the Commissioners. And in the case of death, sickness, or necessary absence, the place of every such Commissioner, respectively, shall be supplied in the same manner as such Commissioner was first appointed, and the new Commissioners shall take the same oath or affirmation, and do the same duties.

ART. 9. It is agreed that British subjects, who now hold lands in the territories of the United States, and American citizens, who now hold lands in the dominions of His Majesty, shall continue to hold them according to the nature and

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tenure of their respective estates and titles therein; and may grant, sell, or devise, the same, to whom they please, in like manner as if they were natives; and that neither they, nor their heirs or assigns, shall, so far as may respect the said lands, and the legal remedies incident thereto, be regarded as aliens.

ART. 10. Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor moneys which they may have in the public funds, or in the public or private banks, shall ever, in any event of war or national differences, be sequestered or confiscated; it being unjust and impolitic that debts and engagements contracted and made by individuals, having confidence in each other and in their respective Governments, should ever be destroyed or impaired by national authority, on account of national differences and discontents.

ART. 11. It is agreed, between His Majesty and the United States of America, that there shall be a reciprocal and entirely perfect liberty of navigation and commerce between their respective people, in the manner, under the limitations, and on the conditions, specified in the following articles.

ART. 12. His Majesty consents that it shall and may be lawful, during the time hereinafter limited, for the citizens of the United States to carry to any of His Majesty's islands and ports in the West Indies, from the United States, in their own vessels, not being above the burden of seventy tons, any goods or merchandises, being of the growth, manufacture, or produce, of the said States, which it is or may be lawful to carry to the said islands or ports, from the said States, in British vessels; and that the said American vessels shall be subject there to no other other or higher tonnage duties or charges than shall be payable by British vessels in the ports of the United States; and that the cargoes of the said American vessels shall be subject there to no other or higher duties or charges than shall be payable on the like articles if imported there from the said States in British vessels.

And His Majesty also consents that it shall be lawful for the said American citizens to purchase, load, and carry away, in their said vessels, to the United States, from the said islands and ports, all such articles, being of the growth, manufacture, or produce, of the said islands, as may now by law be carried from thence to the said States in British vessels, and subject only to the same duties and charges, on exportation, to which British vessels and their cargoes are, or shall be, subject, in similar circumstances.

Provided always, That the said American vessels do carry and land their cargoes in the United States only; it being expressly agreed and declared, that, during the continuance of this article, the United States will prohibit and restrain the carrying any molasses, sugar, coffee, cocoa, or cotton, in American vessels, either from His Majesty's islands, or from the United States, to any part of the world, except the United States,

reasonable sea stores excepted. *Provided also,* That it shall and may be lawful, during the same period, for British vessels to import from the said islands into the United States, and to export from the United States to the said islands, all articles whatever, being of the growth, produce, or manufacture of the said islands, or of the United States, respectively, which now may, by the laws of the said States, be so imported and exported. And that the cargoes of the said British vessels shall be subject to no other or higher duties, or charges, than shall be payable on the same articles if so imported or exported in American vessels.

It is agreed that this article, and every matter and thing therein contained, shall continue to be in force during the continuance of the war in which His Majesty is now engaged; and also for two years from and after the day of the signature of the preliminary or other articles of peace by which the war may be terminated.

And it is further agreed that, at the expiration of the said term, the two contracting parties will endeavor further to regulate their commerce in this respect, according to the situation in which His Majesty may then find them himself, with respect to the West Indies, and with a view to such arrangements as may best conduce to the mutual advantage and extension of commerce. And the said parties will then also renew their discussions, and endeavor to agree whether, in any, and what, cases neutral vessels shall protect enemy's property; and in what cases provisions and other articles, not generally contraband, may become such. But, in the meantime, their conduct towards each other in these respects shall be regulated by the articles hereinafter inserted on those subjects.

ART. 13. His Majesty consents that the vessels belonging to the citizens of the United States of America shall be admitted, and hospitably received, in all the seaports and harbors of the British territories in the East Indies; and that the citizens of the said United States may freely carry on a trade between the said territories and the said United States in all articles of which the importation or exportation, respectively, to or from the said territories, shall not be entirely prohibited. *Provided, only,* That it shall not be lawful for them, in any time of war between the British Government and any other Power or State whatever, to export from the said territories, without the special permission of the British Government there, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels, when admitted into the said ports, no other or higher tonnage duty than shall be payable on British vessels, when admitted into the ports of the United States. And they shall pay no other or higher duties or charges, on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed, that the vessels of the United States shall not carry any of the articles exported by them from the said British territories to any port or place, except to

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some port or place in America, where the same shall be unladen, and such regulations shall be adopted by both parties, as shall, from time to time, be found necessary to enforce the due and faithful observance of this stipulation. It is also understood that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the British territories; but vessels going with their original cargoes, or part thereof, from one port of discharge to another, are not to be considered as carrying on the coasting trade. Neither is this article to be construed to allow the citizens of the said States to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the British Government established there; and if any transgression should be attempted against the regulations of the British Government in this respect, the observance of the same shall and may be enforced against the citizens of America in the same manner as against British subjects or others transgressing the same rule. And the citizens of the United States, whenever they arrive in any port or harbor in the said territories, or if they should be permitted, in manner aforesaid, to go to any other place therein, shall always be subject to the laws, government, and jurisdiction, of whatsoever nature, established in such harbor, port, or place, according as the same may be. The citizens of the United States may also touch for refreshment at the island of St. Helena, but subject in all respects to such regulations as the British Government may from time to time establish there.

ART. 14. There shall be, between all the dominions of His Majesty in Europe and the territories of the United States, a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries, respectively, shall have liberty, freely and securely, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places, and rivers, within the dominions and territories aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of time. Also to hire and possess houses and warehouses for the purposes of their commerce, and, generally, the merchants and traders, on each side, shall enjoy the most complete protection and security for their commerce, but subject always, as to what respects this article, to the laws and statutes of the two countries, respectively.

ART. 15. It is agreed that no other or higher duties shall be paid by the ships or merchandise of the one party in the ports of the other, than such as are paid by the like vessels or merchandise of all other nations. Nor shall any other or higher duty be imposed in one country, on the importation of any articles, the growth, produce, or manufacture of the other, than are, or shall be, payable on the importation of the like articles, being of the growth, produce, or manufacture of any other foreign country. Nor shall any prohibition be imposed on the exportation or importa-

tion of any articles to or from the territories of the two parties, respectively, which shall not equally extend to all other nations.

But the British Government reserves to itself the right of imposing on American vessels, entering into the British ports in Europe, a tonnage duty equal to that which shall be payable by British vessels in the ports of America; and also such duty as may be adequate to countervail the difference of duty now payable on the importation of European and Asiatic goods, when imported into the United States in British or in American vessels.

The two parties agree to treat for the more exact equalization of the duties on the respective navigation of their subjects and people, in such manner as may be most beneficial to the two countries. The arrangements for this purpose shall be made at the same time with those mentioned at the conclusion of the twelfth article of this Treaty, and are to be considered as a part thereof. In the interval, it is agreed that the United States will not impose any new or additional tonnage duties on British vessels, nor increase the now subsisting difference between the duties payable on the importation of any articles in British or in American vessels.

ART. 16. It shall be free for the two contracting parties, respectively, to appoint Consuls for the protection of trade, to reside in the dominions and territories aforesaid; and the said Consuls shall enjoy those liberties and rights which belong to them by reason of their functions. But before any Consul shall act as such, he shall be, in the usual forms, approved and admitted by the party to whom he is sent; and it is hereby declared to be lawful and proper that, in case of illegal or improper conduct towards the laws or Government, a Consul may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back, the offended Government assigning to the other their reasons for the same.

Either of the parties may except, from the residence of Consuls, such particular places as such party shall judge proper to be so excepted.

ART. 17. It is agreed that, in all cases where vessels shall be captured or detained on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war, the said vessel shall be brought to the nearest or most convenient port; and if any property of any enemy should be found on board such vessel, that part only which belongs to the enemy shall be made prize, and the vessel shall be at liberty to proceed with the remainder without any impediment. And it is agreed that all proper measures shall be taken to prevent delay in deciding the cases of ships or cargoes so brought in for adjudication; and in the payment or recovery of any indemnification adjudged or agreed to be paid to the masters or owners of such ships.

ART. 18. In order to regulate what is in future to be esteemed contraband of war, it is agreed

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that, under the, said denomination shall be comprised all arms and implements serving for the purposes of war, by land or sea, such as cannon, muskets, mortars, petards, bombs, grenades, carcasses, saucisses, carriages for cannon, musket rests, bandoliers, gunpowder, match, saltpetre, ball, pikes, swords, headpieces, cuirasses, halberds, lances, javelins, horse furniture, holsters, belts, and, generally, all other implements of war; as, also, timber for ship building, tar or rosin, copper in sheets, sails, hemp and cordage, and, generally, whatever may serve directly to the equipment of vessels, unwrought iron and fir planks only excepted; and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy.

And whereas the difficulty of agreeing on the precise cases in which alone provisions and other articles, not generally contraband, may be regarded as such, renders it inexpedient to provide against the inconveniences and misunderstandings which might thence arise: it is further agreed that, whenever any such articles, so becoming contraband, according to the existing Laws of Nations, shall, for that reason, be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified; and the captors, or, in their default, the Government under whose authority they act, shall pay to the masters or owners of such vessels the full value of all such articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention.

And whereas, it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is either besieged, blockaded, or invested, it is agreed that every vessel, so circumstanced, may be turned away from such port or place, but she shall not be detained, nor her cargo, if not contraband, be confiscated, unless, after notice, she shall again attempt to enter; but she shall be permitted to go to any other port or place she may think proper; nor shall any vessel or goods of either party that may have entered into such port or place before the same was besieged, blockaded, or invested, by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the owners or proprietors thereof.

ART. 19. And that more abundant care may be taken for the security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men of war, or privateers of either party, all commanders of ships of war and privateers, and all others the said subjects and citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them; and if they act to the contrary they shall be punished, and shall also be bound, in their persons and estates, to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

For this cause, all commanders of privateers, before they receive their commissions, shall here-

after be obliged to give, before a competent judge, sufficient security, by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of fifteen hundred pounds sterling, or if such ships be provided with above one hundred and fifty seamen or soldiers, in the sum of three thousand pounds sterling, to satisfy all damages and injuries which the said privateer, or her officers or men, or any of them, may do or commit during their cruise, contrary to the tenor of this Treaty, or to the laws and instructions for regulating their conduct; and further, that, in all cases of aggressions, the said commissions shall be revoked and annulled.

It is also agreed that, whenever a Judge of a Court of Admiralty of either of the parties shall pronounce sentence against any vessel, or goods, or property, belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered to the commander of the said vessel, without the smallest delay, he paying all legal fees and demands for the same.

ART. 20. It is further agreed that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbor, conceal, or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

And all their ships, with the goods or merchandises taken by them, and brought into the port of either of the said parties, shall be seized, as far as they can be discovered, and shall be restored to the owners, or their factors or agents, duly deputed and authorized, in writing, by them, (proper evidence being first given in the Court of Admiralty for proving the property,) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew, or had good reason to believe or suspect that they had been piratically taken.

ART. 21. It is likewise agreed that the subjects and citizens of the two nations shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign Prince or State, enemies to the other party; nor shall the enemies of one of the parties be permitted to invite, or endeavor to enlist in their military service, any of the subjects or citizens of the other party; and the laws against all such offences and aggressions shall be punctually executed. And if any subject or citizen of the said parties, respectively, shall accept any foreign commission, or letters of marque, for arming any vessel to act as a privateer against the other party, and be taken by the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen having such commission or letters of marque, as a pirate.

ART. 22. It is expressly stipulated that neither

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of the said contracting parties will order or authorize any acts of reprisal against the other, on complaints of injuries or damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

ART. 23. The ships of war of each of the contracting parties shall at all times be hospitably received in the ports of the other, their officers and crews paying due respect to the laws and government of the country. The officers shall be treated with that respect which is due to the commissions which they bear; and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries. And His Majesty consents that, in case an American vessel should, by stress of weather, danger from enemies, or other misfortune, be reduced to the necessity of seeking shelter in any of His Majesty's ports, into which such vessel could not in ordinary cases, claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the government of the place, be hospitably received, and be permitted to refit and to purchase, at the market price, such necessaries as she may stand in need of, conformably to such orders and regulations as the government of the place, having respect to the circumstances of each case, shall prescribe. She shall not be allowed to break bulk or unload her cargo, unless the same shall be *bona fide* necessary to her being refitted. Nor shall be permitted to sell any part of her cargo, unless so much only as may be necessary to defray her expenses, and then not without the express permission of the government of the place. Nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.

ART. 24. It shall not be lawful for any foreign privateers (not being subjects or citizens of either of the said parties) who have commissions from any other Prince or State in enmity with either nation, to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that Prince or State from whom they obtained their commissions.

ART. 25. It shall be lawful for the ships of war and privateers belonging to the said parties, respectively, to carry whithersoever they please, the ships and goods taken from their enemies, without being obliged to pay any fee to the officers of the Admiralty, or to any Judges whatever; nor shall the said prizes, when they arrive at, and enter the ports of, the said parties, be detained or seized; neither shall the searchers, or other officers of those places, visit such prizes, (except for the purpose of preventing the carrying of any part of the cargo thereof on shore, in any manner contrary to the established laws of revenue, navigation, or commerce,) nor shall such officer take

cognizance of the validity of such prizes; but they shall be at liberty to hoist sail and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to show. No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but, if forced by stress of weather or dangers of the sea, to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this Treaty contained shall, however, be construed or operate, contrary to former and existing public Treaties with other Sovereigns or States. But the two parties agree that, while they continue in amity, neither of them will, in future, make any Treaty that shall be inconsistent with this or the preceding article.

Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other to be taken within cannon shot of the coast, nor in any of the bays, ports, or rivers of their territories, by ships of war, or others having commission from any Prince, Republic, or State whatever. But, in case it should so happen, the party whose territorial rights shall thus have been violated, shall use his utmost endeavors to obtain from the offending party full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war or merchant vessels.

ART. 26. If at any time a rupture should take place (which God forbid) between His Majesty and the United States, the merchants, and others, of each of the two nations, residing in the dominions of the other, shall have the privilege of remaining and continuing their trade, so long as they behave peaceably, and commit no offence against the laws; and in case their conduct should render them suspected, and the respective Governments should think proper to order them to remove, the term of twelve months from the publication of the order, shall be allowed them for that purpose, to remove, with their families, effects, and property; but this favor shall not be extended to those who shall act contrary to the established laws; and, for greater certainty, it is declared that such rupture shall not be deemed to exist while negotiations for accommodating differences shall be depending, nor until the respective Ambassadors or Ministers, if such there shall be, shall be recalled, or sent home, on account of such differences, and not on account of personal misconduct, according to the nature and degrees of which, both parties retain their rights, either to request the recall, or immediately to send home the Ambassador or Minister of the other; and that without prejudice to their mutual friendship and good understanding.

ART. 27. It is further agreed that His Majesty and the United States, on mutual requisitions, by them, respectively, or by their respective Ministers or officers authorized to make the same, will deliver up to justice all persons who, being charged

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with murder or forgery committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other: *Provided*, That this shall only be done on such evidence of criminality, as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expense of such apprehension and delivery shall be borne and defrayed by those who make the requisition and receive the fugitive.

ART. 28. It is agreed that the first ten articles of this Treaty shall be permanent, and that the subsequent articles, except the twelfth, shall be limited in their duration to twelve years, to be computed from the day on which the ratifications of this Treaty shall be exchanged, but subject to this condition, that, whereas the said twelfth article will expire, by the limitation therein contained, at the end of two years from the signing of the preliminary or other articles of peace which shall terminate the present war in which His Majesty is engaged, it is agreed that proper measures shall, by concert, be taken for bringing the subject of that article into amicable Treaty and discussion, so early before the expiration of the said term, as that new arrangements on that head may, by that time, be perfected, and ready to take place. But, if it should unfortunately happen, that His Majesty and the United States should not be able to agree on such new arrangements, in that case all the articles of this Treaty, except the first ten, shall then cease and expire together.

Lastly, This Treaty, when the same shall have been ratified by His Majesty and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be binding and obligatory on His Majesty and on the said States, and shall be by them, respectively, executed and observed, with punctuality and the most sincere regard to good faith. And whereas it will be expedient, in order the better to facilitate intercourse and obviate difficulties, that other articles be proposed and added to this Treaty, which articles, from want of time and other circumstances, cannot now be perfected, it is agreed that the said parties will, from time to time, readily treat of and concerning such articles, and will sincerely endeavor so to form them as that they may conduce to mutual convenience, and tend to promote mutual satisfaction and friendship; and that the said articles, after having been duly ratified, shall be added to, and make a part of, this Treaty.

In faith whereof, we, the undersigned, Ministers Plenipotentiary of his Majesty the King of Great Britain and the United States of America, have signed this present Treaty, and have caused to be affixed thereto the seal of our arms.

Done at London, this nineteenth day of November, one thousand seven hundred and ninety-four.

GRENVILLE, [L. s.]
JOHN JAY. [L. s.]

TREATY WITH GREAT BRITAIN.

[Communicated to the Senate, May 5, 1796.]

UNITED STATES, May 5, 1796.

Gentlemen of the Senate:

I lay before you, for your consideration and advice, an explanatory article proposed to be added to the Treaty of Amity, Commerce, and Navigation, between the United States and Great Britain; together with a copy of the full power to the Secretary of State to negotiate the same.

G. WASHINGTON.

Mr. Bond to Mr. Pickering.

PHILADELPHIA, March 26, 1796.

The undersigned, His Britannic Majesty's Chargé des Affaires, has the honor of representing to the Secretary of State of the United States, that the King, his master, has been informed that a Treaty was concluded on the 3d of August last, between the United States and certain tribes of Indians living on the northwestern frontier of those States, which Treaty appears to His Majesty to contain certain stipulations repugnant to the due execution of the provisions of the Treaty between His Majesty and the United States of America, signed at London on the 19th of November, 1794, and particularly that, by the eighth article of the said Treaty between the United States and the Indians above-mentioned, it is agreed that no person shall be admitted to reside among, or to trade with, those tribes of Indians, unless they be furnished with a license for that purpose from the Government of the United States; and that any person so trading without such license, shall be delivered up by the Indians to a superintendent appointed by the Government of the United States, to be dealt with according to the laws of the United States: whereas the third article of the Treaty of Amity, Commerce, and Navigation, concluded between His Majesty and the United States, expressly provides, "that it shall, at all times, be free to His Majesty's subjects and to the citizens of the United States, and also to the Indians dwelling on either side of the boundary line, freely to pass and repass, by land or inland navigation, into the respective territories and countries of the two parties on the Continent of America, [the country within the limits of the Hudson's Bay Company only excepted,] and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other."

The undersigned is directed to state that the King, his master, is fully persuaded that the said Indian Treaty was concluded in consequence of instructions given by the Government of the United States at a time when that Government had not yet been apprised of the terms and stipulations of the Treaty entered into by the respective Plenipotentiaries at London, on the 19th of November, 1794. Even if any doubt could arise on this subject in His Majesty's mind, His Majesty,

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in claiming the full execution of the said last mentioned Treaty, would rely, with the utmost confidence, on the justice and good faith of the Government of the United States, and on the universally admitted rule, of the Law of Nations, that no stipulations of existing Treaties can be superseded by any engagements subsequently concluded by one of the parties with another State or nation; but when the particular circumstances connected with this important subject, and the influence which they may have on the lives and properties of so many, both of His Majesty's subjects and of the citizens of the United States, are fairly and impartially considered, His Majesty can entertain no doubt that the Government of the United States will be equally anxious with himself that all possible misconstruction or doubt on this point, on the part either of His Majesty's subjects, or of the citizens of the United States, and still more on the part of the Indians, should be completely and authentically removed: and that this may be done with as little delay as possible, in order that less time may be left for the effect of any misrepresentations, which evil designing persons may have labored to impress on the minds of those whose situation renders them peculiarly liable to such impressions, His Majesty trusts, therefore, that the Government of the United States will readily agree in the propriety of an explanation, which, under the circumstances above stated, appears to be of such indispensable necessity; and the undersigned is directed to propose, on His Majesty's part, that an article should for that purpose be added to the Treaty of Amity, Commerce, and Navigation, between His Majesty and the United States, so as to form a part thereof, conformably to the provisions contained in the 29th article of that instrument, by which it shall be declared that no Treaty subsequently concluded by either party with any other State or nation, whether European or Indian, can be understood in any manner to derogate from the rights of free intercourse and commerce secured by the aforesaid Treaty of Amity, Commerce, and Navigation, to the subjects of His Majesty, and to the citizens of the United States, and to the Indians on both sides of the boundary line; but that all the said persons shall remain at full liberty freely to pass and repass into the countries on either side of the said boundary line, and to carry on their trade and commerce with each other freely and without restriction, according to the stipulations of the third article of the said Treaty, which stipulations are, by the said Treaty, declared to be permanent.

If this measure, which appears to His Majesty conformable to the principles of justice and good faith, and indispensably required by the circumstances of the case, should meet the approbation of the Government of the United States, the undersigned is instructed and authorized to arrange the terms of such article with any person who may be appointed by the Government of the United States for the purpose, and to conclude and sign the same, subject to the ratification of the King, his master: His Majesty being always

desirous to take the earliest and most effectual means of removing any cause of uneasiness between the two Governments, and to maintain with the United States the most uninterrupted harmony and good understanding.

P. BOND.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA, TO ALL WHO SHALL SEE THESE PRESENTS, *greeting*:

It having been represented by the Chargé des Affaires of His Britannic Majesty to the United States, that the eighth article of the Treaty of Peace and Friendship, concluded on the 3d day of August last, between the United States and certain tribes of Indians, living on the Northwest-ern frontier of these States, appears to His Majesty to contain stipulations repugnant to the provisions of the third article of the Treaty of Amity, Commerce, and Navigation, between the United States and His Britannic Majesty, signed at London on the 19th of November, 1794: And it being the sincere desire of the United States, as well as of His Britannic Majesty, to prevent the inconveniences which might arise from any misconstruction or doubt on the subject of the said two articles: And for this purpose, deeming it expedient to declare their understanding thereof by an explanatory article: Now, be it known, that, pursuant to the laws of the United States, I have intrusted, and do hereby intrust, and give full power to, Timothy Pickering, Esq., Secretary of State of the United States, to negotiate and agree, on the part of the United States, with the Commissioner named on the part of His Britannic Majesty, on an article explanatory of the understanding of the two parties on the subject of the two articles aforementioned; such explanatory article, when ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty, and the ratifications mutually exchanged, to be added to, and constitute a permanent part of, the said Treaty of Amity, Commerce, and Navigation, between the United States and His Britannic Majesty.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed. Given under my hand, the fourth day of [L. s.] May, in the year of our Lord one thousand seven hundred and ninety-six, and of the independence of the United States of America the twentieth.

G. WASHINGTON.

EXPLANATORY ARTICLE.

Whereas, by the third article of the Treaty of Amity, Commerce, and Navigation, concluded at London, on the nineteenth day of November, one thousand seven hundred and ninety-four, between His Britannic Majesty and the United States of America, it was agreed that it should at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the In-

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dians dwelling on either side of the boundary line assigned by the Treaty of Peace to the United States, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two contracting parties on the Continent of America, (the country within the limits of the Hudson's Bay Company only excepted,) and to navigate all the lakes, rivers, and waters, thereof, and freely to carry on trade and commerce with each other, subject to the provisions and limitations contained in the said article: And whereas, by the eighth article of the Treaty of Peace and Friendship, concluded at Greenville, on the 3d day of August, 1795, between the United States and the nations or tribes of Indians called the Wyandots, Delawares, Shawanees, Ottawas, Chippewas, Pattawatamies, Miamies, Eel Rivers, Weas, Kickapoos, Piankeshaws, and Kaskaskias, it was stipulated that no person should be permitted to reside at any of the towns or hunting camps of the said Indian tribes, as a trader, who is not furnished with a license for that purpose under the authority of the United States; which latter stipulation has excited doubts whether in its operation it may not interfere with the due execution of the said third article of the Treaty of Amity, Commerce, and Navigation: And it being the sincere desire of His Britannic Majesty and of the United States that this point should be so explained as to remove all doubts, and promote mutual satisfaction and friendship, and for this purpose, His Britannic Majesty having named for his Commissioner, Phineas Bond, Esq., His Majesty's Consul General for the Middle and Southern States of America, (and now His Majesty's Chargé des Affaires to the United States,) and the President of the United States having named for their Commissioner, Timothy Pickering, Esq., Secretary of State of the United States, to whom, agreeably to the laws of the United States, he has intrusted this negotiation, they, the said Commissioners, having communicated to each other their full powers, have, in virtue of the same, and conformably to the spirit of the last article of the said Treaty of Amity, Commerce, and Navigation, entered into this explanatory article, and do, by these presents, explicitly agree and declare, that no stipulations in any Treaty subsequently concluded by either of the contracting parties with any other State or nation, or with any Indian tribe, can be understood to derogate in any manner from the rights of free intercourse and commerce secured by the aforesaid third article of the Treaty of Amity, Commerce, and Navigation, to the subjects of His Majesty, and to the citizens of the United States, and to the Indians dwelling on either side of the boundary line aforesaid; but that all the said persons shall remain at full liberty freely to pass and repass, by land or inland navigation, into the respective territories and countries of the contracting parties on either side of the said boundary line, and freely to carry on trade and commerce with each other, according to the stipulations of the said third article of the Treaty of Amity, Commerce, and Navigation.

This explanatory article, when the same shall have been ratified by His Majesty, and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be added to, and make a part of, the said Treaty of Amity, Commerce, and Navigation, and shall be permanently binding upon His Majesty and the United States.

In witness whereof, we, the said Commissioners of His Majesty, the King of Great Britain and the United States of America, have signed this present explanatory article, and thereto affixed our seals. Done at Philadelphia, this fourth day of May, in the year of our Lord one thousand seven hundred and ninety-six.
P. BOND,
TIMOTHY PICKERING.

TREATY WITH SPAIN.

[Communicated to the Senate, Feb. 26 and 29, 1796.]
UNITED STATES, *February 26, 1796.*

Gentlemen of the Senate:

I send, herewith, the Treaty concluded on the 27th of October last, between the United States and Spain, by their respective Plenipotentiaries.

The communications to the Senate, referred to in my message of the 16th of December, 1793, contain the instructions to the Commissioners of the United States, Messrs. Carmichael and Short, and various details relative to the negotiations with Spain. Herewith I transmit copies of the documents authorizing Mr. Pinckney, the Envoy Extraordinary from the United States to the Court of Spain, to conclude the negotiation, agreeable to the original instructions above mentioned; and to adjust the claims of the United States for the spoiliations committed by the armed vessels of His Catholic Majesty on the commerce of our citizens.

The numerous papers exhibiting the progress of the negotiation, under the conduct of Mr. Pinckney, being in the French and Spanish languages, will be communicated to the Senate as soon as the translations which appear necessary shall be completed.

G. WASHINGTON.

UNITED STATES, *February 29, 1796.*

Gentlemen of the Senate:

I send, herewith, the papers relating to the negotiation of the Treaty with Spain, to which I referred in my Message of the 26th instant.

G. WASHINGTON.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA, TO THOMAS PINCKNEY, *greeting:*

Reposing especial trust and confidence in your integrity, prudence, and ability, I have nominated, and, by and with the advice and consent of the

Treaty with Spain.

Senate, do appoint, you, the said Thomas Pinckney, Envoy Extraordinary from the United States of America to the Court of His Catholic Majesty; authorizing you, hereby, to do and perform all such matters and things as to the said place or office doth appertain, or as may be duly given you in charge hereafter, and the said office to hold and exercise during the pleasure of the President of the United States for the time being.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, the twenty-fourth day of November, in the year of our Lord one thousand seven hundred and ninety-four, and of the independence of the United States of America the nineteenth.

G. WASHINGTON.

By the President:
EDM. RANDOLPH,
Secretary of State.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To all and singular whom these presents shall concern, greeting:

Know ye, that, for the purpose of confirming, between the United States of America and His Catholic Majesty, perfect harmony and a good correspondence, and removing all grounds of dissatisfaction, and from a special trust and confidence in the integrity, prudence, and abilities of Thomas Pinckney, I have nominated, and, by and with the advice and consent of the Senate, appointed, the said Thos. Pinckney Envoy Extraordinary and sole Commissioner Plenipotentiary of the United States of America to His Catholic Majesty; hereby giving and granting to him full, and all manner of, power and authority, as also a general and special command at the Court of his said Majesty, for, and in the name of, the United States, to meet, confer, treat, and negotiate, with the Ministers, Commissioners, Deputies, or Plenipotentiaries, of his said Majesty; being furnished with sufficient authority of and concerning the navigation of the river Mississippi, and such other matters relative to the confines of the territories of the United States and His Catholic Majesty, and the intercourse to be had thereon, as the mutual interests and general harmony of neighboring and friendly nations require to be precisely adjusted and regulated; and of and concerning the general commerce between the United States and the kingdoms and dominions of His Catholic Majesty; and to conclude and sign a Treaty or Treaties, Convention or Conventions, thereon; transmitting the same to the President of the United States of America for his final ratification, by and with the advice and consent of the Senate of the United States.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, this twenty-fourth day [L. s.] of November, in the year of our Lord

one thousand seven hundred and ninety-four, and of the independence of the United States of America the nineteenth.

G. WASHINGTON.

By the President:
EDM. RANDOLPH,
Secretary of State.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To all and singular whom these presents shall concern, greeting:

Know ye, that, for the purpose of confirming, between the United States of America and His Catholic Majesty, perfect harmony and a good correspondence, and of removing all grounds of dissatisfaction, and from a special trust and confidence in the integrity, prudence, and abilities, of Thomas Pinckney, whom I have nominated, and, by and with the advice and consent of the Senate, appointed, Envoy Extraordinary of the United States to His Catholic Majesty, I do, hereby, give and grant to him, the said Thomas Pinckney, full, and all manner of, power and authority, as also a general and special command at the Court of his said Majesty, for, and in the name of, the United States, to meet and confer with the Ministers, Commissioners, or Deputies, of his said Majesty, being furnished with sufficient authority, whether singly and separately, or collectively and jointly, and with them to agree, treat, consult, and negotiate, of and concerning all matters and causes of difference subsisting between the United States and his said Majesty, relative to the instructions of his said Majesty, or of any of the tribunals or authorities of his said Majesty, to his ships of war and privateers, of whatsoever date, as well as of and concerning restitution or compensation in the cases of capture or seizure made of the property of the citizens of the United States by the said ships of war and privateers, and retribution for the injuries received therefrom by any citizen of the United States; and to conclude and sign a Treaty or Treaties, Convention or Conventions, touching the premises, transmitting the same to the President of the United States for his final ratification, by and with the advice and consent of the Senate of the United States.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, this twenty-fourth day [L. s.] of November, in the year of our Lord one thousand seven hundred and ninety-four, and of the independence of the United States of America the nineteenth.

G. WASHINGTON.

By the President:
EDM. RANDOLPH,
Secretary of State.

The Secretary of State to Thomas Pinckney.
PHILADELPHIA, November 3, 1794.

DEAR SIR: Mr. Bayard, who sails on Thursday, as an agent for those who have suffered by

Treaty with Spain.

British depredations, will be charged with both private and public despatches from me to you. I drop you this line to prepare you for a mission, which the President has prepared for you, as Envoy Extraordinary to Madrid. I beg you, immediately upon the receipt of this, to make any arrangements which may seem expedient, before you quit London. The business relates to the Mississippi; will be temporary; and, under present circumstances, probably not dilatory. You will necessarily conclude that your return to London upon your former footing will be a thing of course.

I have the honor to be, dear sir, with sincere esteem and true respect your most obedient servant,

EDMUND RANDOLPH.

Extract of a letter from the same to the same, dated November 8, 1794.

"The failure of the Senate to meet at the day appointed, and the continuance of that failure to the very moment of Mr. Bayard's departure, disable me from sending you a commission, and its appendages, in the quality of Envoy Extraordinary to Madrid. I hope, however, that my letter of the 3d instant will have prepared you, in some measure, for this new mission, before its duplicate, now sent, shall arrive."

Extract of a letter from the same to the same, dated Philadelphia, November 28, 1794.

"In my two last letters of the 3d and 8th instant, duplicates of which have been forwarded, I prepared you for a temporary transference of your services from London to Madrid. The determination of the President is now confirmed by the approbation of the Senate, as you will perceive from the commission, which accompanies this letter.

"Your powers inform you, in general terms, of the subjects with which you are charged. The development of the principles upon which they are to be contended for, will be found in the documents of which Mr. Short is possessed. But, for the sake of enabling you to avail yourself of every opportunity, before you reach Madrid, I send a statement of our pretensions, as they were laid before Congress, comprehending Mr. Jay's discussions with Mr. Gardoqui, and the instructions and arguments transmitted to Messrs. Carmichael and Short. In these the President sees no reason for a change."

MADRID, July 21, 1795.

MY DEAR SIR: I arrived at this metropolis on the 28th of the last month, but finding the Court were still at Aranjuez, I proceeded to that place; their residence there, however, was so short after my arrival that I could do no more than obtain an introduction to the Duke de la Alcudia. I returned to Madrid on the 2d of July, where the Court remained only ten days; of course, every thing was in a kind of hurry and confusion un-

favorable to business. I however passed through all my ceremonials, and have had two conferences with the Minister, the result of which is, that they are still anxious for further delay, which is to them equivalent to a cession of our rights, so long as we shall acquiesce therein, they being in possession of the object of controversy. The Duke de la Alcudia received me with politeness, but, at the same time, informed me that he could come to no conclusion on the principal points of my mission until he should have received an answer to the propositions which he directed the Spanish Chargé des Affaires to make our Government, in America, in the months of July and August last. I told him, in reply, that Mr. Jaudenes did not conceive himself authorized to make any direct propositions to the President so late as the month of March last, notwithstanding he had received the instructions, to which the Duke alluded, and therefore, that it was in vain to wait for an answer to propositions which, without further instructions, could not be brought forward in a mode through which any answer could be given to them.

He seemed to doubt the possibility of M. Jaudenes's not having made the proposals he had directed, and said he expected an answer thereto daily, and would immediately apprise me thereof. I then told him that I had undoubted proof of the matter being as I had stated, having in my possession a letter from M. Jaudenes to you, ascertaining the fact, with a copy of which, at his request, I promised to furnish him. I accordingly enclosed it to him in a note, the copy of which is herewith. The Court leaving Madrid for San Ildefonso within a few days, I have received no answer thereto. I cannot help here lamenting that, when you enclosed to Mr. Short Mr. Jaudenes's letter containing these proposals, (however informally expressed,) you had not stated the sense of our Government thereon, and that, consequently, I must either acquiesce in a further delay, or take upon myself to determine what will be the resolution of our Government upon a question of great importance. It is true that I can deduce, by inference from the instructions heretofore given, and from reasoning upon our situation and circumstances, that the United States will not guaranty the possessions of Spain in America, and will not consent to purchase what is their right. But, upon a proposition so new, it would have been desirable that I could have stated to the Spanish Government that I was directly instructed on this head, in case any such proposal should be made here. I conceive, however, that it is of such importance that our controversy with this Government should be determined during the present war, (which, I think, will not be continued another campaign,) and it is also so essential to our internal harmony that the President should be made acquainted with the real intentions of this Court, during the next session of Congress, that I mean to urge the decision as strongly as propriety and attention to my instructions on the subject will admit. Mr. Short has already informed you of the line which this

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Court has determined to pursue to us, respecting navigation, during the present war, and of the reasons which prevent them from entering into written stipulations on this subject. This line of conduct, while observed, is as favorable to us as we could expect; but, as no general orders can be published on the occasion, individual cases will occasionally occur, in which it will be necessary to apply to this Administration for a compliance with their verbal agreement; and to these the Duke promises to pay immediate attention. This took place in a joint conference, which Mr. Short and I had with him, when we thought it prudent to state to him what his engagements were on that subject; to which statement he readily acquiesced, (namely, that the stipulations on this subject in our Treaty with France should be observed.) In addition to the propositions said to have been directed to be made to our Government, as above stated, I find, in conversation with the Duke, that another object is started, which, I presume, may be brought forward, still further to retard the negotiation. In our first conversation, he said that our negotiation seemed so connected with their accommodation with France, that it would be best to let them proceed together. When I observed that I could not discover the connexion, he did not then explain himself to my comprehension, but, in a joint conference with Mr. Short and myself, he expressed a wish to establish a triple alliance between France, Spain, and ourselves. He received the answer from Mr. Short, which he had previously given him, with great propriety, on former occasions, of a nature somewhat similar, which is, in substance, that a generous and friendly conduct would insure to both parties all the benefits of an alliance, and that the first object was to establish our rights on just principles, when objects of mutual convenience and accommodation might with propriety be resorted to. Mr. Monroe has informed you of the intentions of the French Government with respect to our negotiation here. I had no conversation with them on the subject, as I conceived the business placed on as good a footing as I could desire, and, since I have been here, I conclude that the French Commissioners have complied with their instructions; the Duke having informed me that he had certain information that our Minister at Paris opposed an accommodation between Spain and France, unless our rights were previously acknowledged by the former.

The repairs which so long a journey had rendered necessary for my carriage have detained me here a few days beyond the departure of the Court; to-morrow, however, I set out to join them, and will inform you of the result of my next conference by the earliest opportunity.

I have received all possible assistance and information from Mr. Short, since I have been here. He has placed in my hands all the papers of which he was possessed, relative to the objects of my mission. I am personally obliged to him for the readiness and friendly good will with which he has rendered me this service, and the United States are, I conceive, much indebted to him for

the assiduity and ability with which he has conducted his negotiations at this Court. I do not conceive that it can be necessary for me to remain here until an answer can be obtained to this letter, as it must be decided long before that time, whether this Court means to proceed in their system of delay, or whether they will yield to us our rights. In either case, it will be necessary that you should have a decided answer during the ensuing session of Congress. After that answer is obtained, my present idea is, that my presence here will be unnecessary; at all events, however, I will observe the directions contained in the ciphered part of your letter of 28th of November, 1794. I would however, submit to you the propriety of an explicit instruction to whoever may be here, on the subject of alliance and guaranty, if it should not have been done previous to your receipt hereof, as, from the circumstances which have already occurred, I do not expect that it will be brought before our Government soon, in an official manner, and, if the instructions should arrive too late to be of service, they can do no harm.

I have the honor to be, dear sir, with great respect, your obedient and faithful servant,

THOMAS PINCKNEY.

The SECRETARY OF STATE.

[Enclosed in the foregoing despatch.]

MADRID, *July 10, 1795.*

MONSIEUR LE DUC: In conformity with the promise which I had the honor of making to your excellency, I herewith send the letter written by the *Chargé des Affaires* of His Catholic Majesty to the Secretary of State of the United States of America, dated the 28th of March, 1795, by which it is unquestionable that, at that time, M. Jaudenes did not think himself authorized to make propositions to the President of the United States, in consequence of your excellency's instructions, although he there acknowledges the receipt of your excellency's letter of the 26th of July, which, according to the communication with which you honored Mr. Short on the —, contained his instructions on the propositions which the Court of Spain thought proper to make to the Executive power of the United States, and although he has likewise written to the Secretary of State of the United States that your excellency had signified, by a letter of the 21st of November, 1794, that you had nothing to add to your informations of the said 26th of July, and of your duplicates of the 6th and 15th of August. This being the case, I beg your excellency to be pleased to inform me whether M. Jaudenes has properly understood his instructions of the 26th of July, and whether the five articles which he cites, under the term of insinuations, are such as His Majesty thought proper to propose to the United States.

I have the honor to be, with the highest consideration and respect, M. le Duc, your most humble and most obedient servant,

THOMAS PINCKNEY.

*Treaty with Spain.**Mr. Pinckney to the Secretary of State.*

SAN ILDEFONSO, August 11, 1795.

MY DEAR SIR: By my letter of the 21st July, it must have appeared to you that this Court was proceeding in that system of delay which it seems hitherto to have adopted, the Minister having referred me, in my first conferences, to the answer expected to Mr. Jaudenes's proposals. As a means of obviating this, I thought it best to put a stop to all expectations on that subject, and, therefore, at the first conference I had with the Duke at this place, I told him candidly, that, however full my powers were, (which he must have seen,) and however amicably inclined the United States were to this country, I did not think myself authorized to insert in any Treaty, to be formed with this country, a guarantee of their possessions in America. With this declaration the Duke appeared much mortified, conceiving, as was natural, that the proposals, though informally made, had been considered and rejected by our Government. I then proceeded to state how ready the United States were to enter into every other friendly stipulation, and urged the arguments that occurred to me for an immediate settlement of the points in controversy; the result was, that he promised to proceed with me in our negotiations concerning the limits, &c., without the guarantee. I urged the fixing a day to proceed to the business, which he said was impossible, as he wished some further information, but promised to appoint an early day. This, however, not immediately taking place, I requested, in three or four days, a further conference, in which he still urged that he was not prepared, but said that he would very shortly enter into the business; and, from his conversation, I collected that he had really been looking into the subject.

On Saturday last it was pretty generally known here that the terms of a Treaty of Peace were settled between this country and France. On Sunday, at a conference with the Duke, on my urging our progress, he told me that our business should be very speedily settled to our satisfaction; that I might consider it perfectly in that point of light, as His Majesty was determined to sacrifice something of what he considered as his right, to testify his good will to us. You, sir, have seen so much of this business as to know how to appreciate those circumstances; my present opinion is, that the new position of Spain with respect to England will induce them to come to a decision with us. You may be assured, sir, that I shall omit neither assiduity nor such arguments as I am furnished with to accelerate the determination.

Having short information of a vessel ready to sail from Bilbao, I thought it advisable to give you this hasty sketch of our present position, which otherwise I should have deferred till after the conference I mean to request to-morrow, and in which I hope something more decisive will be fixed.

I am, with sentiments of the utmost respect and

sincerest esteem, my dear sir, your faithful and obedient servant,

THOMAS PINCKNEY.

To the SECRETARY OF STATE.

Mr. Pinckney to the Secretary of State.

SAN ILDEFONSO, October 1, 1795.

DEAR SIR: I am not favored with any of your letters, since I left England; but, as the President may desire to know the progress of the negotiation with which I am charged, previous to the meeting of Congress, I herewith send you the material parts of what has passed in writing, from whence he will be able to form his own opinion of our prospects in this business. It will be unnecessary to state to you the purport of the various oral conferences I have had with the Prince de la Paix (late Duke of Alcudia) on this occasion, as they were preparatory to the written documents I now enclose, which may be considered as the result of those conferences so far as they extend. I will not take up your time with conjectures of what may probably be the issue of this negotiation; for where measures are adopted from the fluctuation of occurrences and not from system, conjectures must be wildly hazarded.

You may be assured that nothing within the scope of my abilities shall be wanting to induce a line of steady conduct towards us, and I conclude that, in the course of another month, it will be decided whether this business can be concluded or not; in either event it will be unnecessary for me to remain here, and I therefore propose setting out for England in that space, unless events, which I do not now foresee, should require a longer residence here.

When Mr. Short leaves this Court, he intends, in pursuance of your authority, to appoint Mr. Charles Rutledge as Chargé des Affaires during his absence. This young gentleman, who accompanied me here as secretary, and with whose conduct I am perfectly satisfied, is son of the Chief Justice of South Carolina, whom I believe you know. Mr. Short says his appointment will be only at the rate of £300 per annum. I therefore beg leave to represent to you that it is impossible for him to live in a decent style on that salary, and would, therefore, submit the propriety of an augmentation. That sum may be sufficient for a secretary living with a Minister, and the principal part of his expenses borne by him, but it is beyond question, that a person cannot attend on this Court without expending far beyond that sum.

I am, with sentiments of consideration and respect, dear sir, your faithful and obedient servant,

THOMAS PINCKNEY.

The SECRETARY OF STATE.

[Enclosures in the foregoing despatch of Mr. Pinckney.]

Mr. Pinckney to the Duke of Alcudia.

SAN ILDEFONSO, July 29, 1795.

MONSIEUR LE DUC: In running over the "ordenanza de corso" of His Majesty, dated the 1st

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of May, 1794, I perceive, with pleasure, the sentiments of justice which dictated the 11th article, which appears to me conformable with the engagements entered into by the Court of Spain, by concurring in the terms of the armed neutrality of the last war. The spirit of this article, if I mistake not, amounts to this: that Spain, faithful to the principles she had adopted on neutral rights, was ready to act in conformity to these principles, but that prudence required a previous knowledge whether France, who had also adopted the articles of the armed neutrality, would act in the same manner. That, therefore, she permitted her vessels of war to bring into her ports neutral vessels laden with produce belonging to France, by way of precaution, and only until this point should be cleared up; but that, as soon as it was ascertained that France would act in conformity to these principles towards a neutral nation, she would adopt the sentiments in conformity to her engagements, by conducting in the same manner with regard to that nation. Now, if I am not mistaken in the sense of the said article, I think I may, with propriety, propose to your excellency that the King be pleased to give orders that his ships of war and privateers bring no longer into Spanish ports, vessels of the United States of America, laden with produce belonging to Frenchmen.

Seeing that your excellency has been informed of the Treaty existing between the United States and France, which establishes these principles between the two nations; seeing that the Government of France has given the most unequivocal assurances to ours that it will observe this Treaty; and seeing that it acts in conformity to its promises, I conceive that it will not be necessary for me to detail here to your excellency all the inconveniences which result from the practice of putting merchant vessels out of their course, and carrying them to ports to which they were not destined, merely for the purpose of sending them away after they have been brought in.

From the delays, waste, and inevitable expenses arising therefrom, from the bad treatment of which our citizens complain of receiving sometimes from the crews of the privateers, and, above all, from the spite and animosity which often follow between the individuals of two nations between whom it is the ardent desire of the United States to cultivate the most perfect harmony and friendship, not doubting but that your excellency entertains corresponding sentiments of good will towards my nation, I have no apprehension that a conduct towards us will be continued, which, without being of the least advantage to the interests of the King, is very prejudicial to the United States.

I pray your excellency to accept the expression of respect and high consideration with which I have the honor to be, &c.

Not knowing whether your excellency has at the Sitio a copy of our Treaty with France, I take the liberty to enclose the article on the contraband of war.

Mr. Pinckney to the Duke of Alcudia.

SAN ILDEFONSO, August 6, 1795.

MONSIEUR LE DUC: As in the cases not comprehended in the "ordenanza de corso" of His Majesty, but which are to be determined (according to the agreement your excellency made with Mr. Short) by the principles of our Treaty with France, it appears to me there will be less inconvenience to all parties in preventing judgments contrary to the Treaty, than if that agreement were changed, after I take the liberty of laying before your excellency the cases as they arrive, in order that your excellency may give the proper orders. With this view I have the honor to inform you that the brigantine Maria, of Boston, laden with provisions belonging to France, was taken into the port of Santander, on the 11th of June, where she is now detained; and I request your excellency to give orders to enable her to pursue her voyage. The long detention which this vessel has already undergone, with a perishable cargo, will, I hope, plead my excuse with your excellency for my pressing solicitation to have a speedy decision on this affair. I also take the liberty to inform M. le Duc of the circumstances relative to the American ship Liberty, of New York, according to the advices I have received, which are, that this vessel, being at Bordeaux, was freighted by an American house to carry a cargo to Bilbao, consisting partly of whale oil and or dried codfish. The fish was taken out by another American vessel in the river, and the oil landed, and was, of course, laden on board the Liberty, in the port, but it always continued to be American property. This vessel was met at sea, eight leagues from Bilbao, and carried as a prize into that port by a Spanish privateer, who pretends to have the articles which were laden at Bordeaux condemned as good prize, in virtue of the declaration of His Majesty, at the commencement of the war; by which it is ordained that French produce, and even those of foreigners landed in France, having paid the entrance duty, shall not be admitted into Spanish ports, though they should be laden on board of neutral bottoms. But I submit to the superior wisdom of your excellency whether this arrêt could have had in view a case like the present, in which the entry duties were not received by the French, and in which the property has not been changed. And I request your excellency to observe, also, that this determination, taken at the beginning of the war, was modified by the principles established in the 4th article of the "ordenanza," by which it was proved that, in the actual circumstances, if the cargo of this vessel had been altogether the manufacture and property of Frenchmen, and was met at sea by a Spanish privateer, she could not be condemned according to the said principles. It would, therefore, be very extraordinary if the property of the friends of Spain were condemned in a case in which her enemy's property would go free.

In submitting those cases to the inspection of your Excellency, I have the most perfect confidence in the equity of the decision, and I pray

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you to be assured of the sentiments of the high consideration and respect with which I have the honor to be, &c., &c.

The Duke of Alcadia to Mr. Pinckney.

SAN ILDEFONSO, Aug. 14, 1795.

SIR: I have communicated to the King the contents of your letters of the 29th of July and 6th current, in which you bring to view the offer made to Mr. William Short, that our ships of war and privateers should respect the free navigation of the United States in the same manner as those of France.

You solicit to have liberated some vessels detained, and the restoration of the cargoes of some others reputed contraband according to the fifteenth article of our privateering ordinance.

On observing what you state, His Majesty has directed proper orders to be given to the Minister of Marine for liberating the brigantine Maria, of Boston, and the Liberty, from Bordeaux, which you declare to be American property. That the captain of the Providence be paid for the pitch, tar, and turpentine, taken from him at Santander, as contraband articles.

And in like manner that restitution be made for the cargo of the American brigantine Abigail, of New York, consisting of iron, steel, boards, and paints, confiscated by the marine Judge of Santander.

I hope that, in these dispositions, you will acknowledge the sincere desire which animates His Majesty to cultivate the most perfect harmony with the United States, and to cement still more the friendship subsisting between the two countries.

On my part, I renew to you on this occasion, &c.

Mr. Pinckney to the Duke of Alcadia.

SAN ILDEFONSO, Aug. 10, 1795.

MONSIEUR LE DUC: As in the conference with which you honored me on Wednesday last, I perceived that, although you have read with attention the memoir of Messrs. Short and Carmichael, upon the right of the United States to the navigation of the Mississippi, and to our Southern limit, and admit the justice of the arguments therein contained, yet, that your Excellency entertained some doubt relative to a part of the pretensions of the United States, I have thought it my duty to lay before your Excellency some arguments in addition, and I have endeavored to avoid as much as possible a repetition of those which have been so well developed in the said memoir, upon which I always rely as the most perfect exposition of our rights.

I have the honor to be, &c.,

T. PINCKNEY.

Memoir, by Mr. Pinckney.

"Thirty-two years have elapsed since all the country on the left or Eastern bank of the Mis-

issippi, being under the legitimate dominion of the then King of England, that Sovereign thought proper to regulate with precision the limits between the provinces of Georgia and of the two Floridas, which was done by his solemn proclamation, published in the usual form, by which he established between them precisely the same limits which, nearly twenty years after, he declared to be the southerly limit of the United States by the Treaty which this same King of England concluded with them in the month of November, 1782.

"By the Treaty of Peace between the late King of Spain and that Sovereign, signed the 20th January, 1783, he ceded to His Catholic Majesty the two Floridas, without making any description of their limits. However, it is not difficult to prove, not only what were those limits, but also what the two contracting parties understood by that cession. It is very evident that Great Britain could not be understood to have ceded more to Spain than the two Floridas, according to the limits fixed by the proclamation of 1763, and according to what had recently been concluded by a solemn Treaty to be the southerly limit of the United States. She had not been fortunate in the war which preceded that Treaty; but it had not so far humiliated her as to dishonor herself by ceding to Spain a territory which, two months before, she declared to belong of right to the United States. But, it is likewise evident that the Spanish Government at that time understood the same thing in receiving as England did in ceding the Floridas. In order to prove this, one need only observe the dates of the relative circumstances in this business. The said proclamation of the King of England had been published more than nine years before that epoch; it was impossible, therefore, for the Court of Spain to be uninformed on the subject of it; and if it were not content with the limits therein adjusted, it should have had others inserted in the Treaty of Peace of 1783. Besides, the provisional articles of the Treaty between the United States and England, in which this limit was acknowledged, were signed in the month of November, 1782, and immediately communicated to the Court of France. Now, the close connexion which at this time united the House of Bourbon, who possessed the crowns of Spain and France, was notoriously known. It is well known that these two nations were allies and confederates in the war against Great Britain. Is it, therefore, credible that the Court of France omitted to communicate to their ally the Treaty of the United States with Great Britain before the articles with Spain and the latter Power had existence? And this being the case, I repeat that, if she were discontented with the limits there determined for Florida, she then had an opportunity for opening negotiations in order to change them. But if it were possible to imagine that Spain, thus linked with France, and having an able negotiator upon the spot, treating of peace with the same Power, could have been ignorant of what was passing, a subsequent period occurred in which she still had

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an opportunity of making her objections to those limits, and when it was impossible that she could not have possessed all the necessary information, that is to say, all the time which had elapsed until her definitive Treaty with Great Britain, which was not signed until the 3d of September, 1783, a period of two months after the Treaty with America had been communicated to France, and even six months after it had been published in the United States. From these facts it follows that Spain, being informed of the limits fixed by the proclamation of 1763, and acknowledged by the Treaty of the United States, was content with them; or that, if she were not, that she made attempts with Great Britain, which, having failed in bringing about a change of them in the Treaty by which she obtained Florida, it results from every principle of justice, that she remained satisfied with those limits. But it has been said that Spain had pretensions for passing the limits above-mentioned by the right of conquest—her troops having, during the war, seized a certain portion of territory beyond that limit; but the answer to this pretension is as simple and as conclusive as that just developed, which is, that the territory conquered must have belonged before the war either to the United States or to Great Britain. If it belonged to the United States, it is very clear that Spain could have no right to make conquests on a nation with whom she was not at war; and I will not, for a single moment, admit an idea so disrespectful to Spain as to imagine that she could pretend to be the friend of the United States, to have succored them in the war, to have even lent them money for maintaining it, at the same time she was depriving them of their property. If this territory belonged to Great Britain, His Catholic Majesty obliged himself, by the sixth article of the definitive Treaty with Great Britain, to deliver up, without difficulty, all the country and territories conquered by the arms of His Majesty, which were not comprehended in the same under the name of cessions or of restitutions. Now, by the Treaty, there was under this description (besides the island of Minorca) only Florida, whose limits have been proved above. Therefore, in both cases, Spain has not the right of retaining these possessions under the name of conquest.

MISSISSIPPI.—The right of the United States to the free navigation of the Mississippi, also depends upon the best founded and most incontestable principles. In considering them I shall avoid, as much as possible, a repetition of the contents of the memoir of Messrs. Short and Carmichael, as I have endeavored to do in that which I had the honor of submitting to your excellency on the question of the limits, and this is the reason why I shall say nothing upon the argument which appears to me alone to decide this discussion in favor of the United States, to wit: the natural right they have to this navigation. But I shall content myself by saying some words on their right, founded upon the contracts, or their conventional right. And as to the first, but one observation presents itself, which can be applied to

both the questions of limits and of navigation, which is, that the contracts and the stipulations relative to these two subjects were made by those who had the right of making them when Spain had no interest therein; and that this Power having acquired the territories upon which she supports her rights, after they had been subjected to those conditions by the lawful proprietors, it consequently follows that she should be liable to the same conditions with regard to these territories as the ancient proprietors were: for there is nothing more clear, than that those proprietors could not cede to Spain a right which they themselves had not. Let us examine, then, whether those ancient owners, admitting they were in actual possession, could with justice hinder the inhabitants of the United States from navigating the Mississippi. The parties were France and England, who (the one possessing the right and the other the left bank of the river) declared, by the Treaty of Peace of 1763, that all the subjects of the British Empire should have the right of navigating the Mississippi in its full extent, from its source to the ocean. By this article, the right of the United States (then a constituent part of the British empire) to navigate this river was acknowledged, and it may be added that they were the part of that empire for which this article must have been principally stipulated, being the part the most interested in it. Now, which of those two contracting Powers could now lawfully deprive us of this right? Certainly not France, who would do it in direct contravention of her Treaty of 1763—France, our friend, our ally, who lavished her blood and treasure for the support of our rights—France, in a word, who, by the 11th article of her Treaty of Alliance, had agreed to guaranty to the United States ‘their possessions and the additions or conquests which their confederation may procure during the war, from any of the dominions now, or heretofore, possessed by Great Britain in North America, the whole, as their possessions, shall be fixed and assured to the said United States, at the moment of the cessation of their war with England.’

“Neither can Great Britain oppose the right of the United States to this navigation, in derogation of her Treaty of 1763, and in direct contravention of her Treaty with the United States, in November, 1782. If, therefore, neither the one nor the other of these ancient proprietors had the right of prohibiting the United States from the navigation of this river, I must repeat here, that they could not, in ceding their territory to Spain, cede, also, a right which did not at all belong to them, and, consequently, that Spain does not possess that right. It may here be added, that all the arguments founded upon the knowledge Spain possessed of the existing state of the contracts, when she obtained her acquisitions, which have been above applied to the question of limits, are opposed with still greater force, to her pretensions to the exclusive navigation of the Mississippi; for as much as she was one of the contracting parties to the Treaty of Peace of 1763, and as, by the second article of the definitive Treaty of

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Peace, concluded in 1783, that very Treaty was expressly one of those which served as a basis and foundation to that of 1783."

Mr. Pinckney to the Duke of Alcudia.

SAN ILDEFONSO, Aug. 29, 1795.

MONSIEUR LE DUC: Having had the honor of presenting to you the project of a Treaty of Friendship, of Limits, and of Commerce, and having, at the same time, offered another project, separately, contained in a single article, which tends to cement, still more, the connexions of friendship between the two nations, I must remark to your excellency that, in case you agree to the latter project, it may be substituted in the Treaty instead of the twelve articles, from the fifth to the sixteenth, inclusively, which, in that case, would become useless; but wishing to insert this observation in the Treaty, I take the liberty to inform your excellency thereof, in order to avoid the confusion that would otherwise take place.

With a hope, which I conceive to be founded in the interest of both nations, that this negotiation will speedily terminate to their mutual advantage,

I have the honor to be, &c.,

THOMAS PINCKNEY.

The Duke of Alcudia to Mr. Pinckney.

SAN ILDEFONSO, Aug. 29, 1795.

SIR: I have observed, in yours of this date, the reflection which you have made relative to the project of a Treaty of Friendship, Limits and Commerce, which you delivered to me, and the separate article, at the same time, accompanying it, and coincide with you in the just observation which you have made.

I renew, &c.

Mr. Pinckney to the Duke of Alcudia.

SAN ILDEFONSO, Aug. 30, 1795.

MONSIEUR LE DUC: I have the honor to address your excellency in favor of an American citizen, named Denabre, captain of the merchant ship Betsey, of Philadelphia, who writes to me from Madrid, that, after having been detained upwards of two years in the pursuit of his claim against the captors of his vessel, and after having obtained a favorable sentence from the tribunal of appeal, who were to judge his process in the last resort, his adversary still sought further delays, by making a representation to His Majesty, requesting that a greater number of judges be appointed for giving definitive judgment. If this representation has been made, I doubt not but your excellency will see it in its true light, and will act so as that that justice, which I am confident His Majesty desires to render, be no longer delayed.

I have the honor to be, &c., &c.,

THOMAS PINCKNEY.

Mr. Pinckney to the Duke of Alcudia.

SAN ILDEFONSO, September 3, 1795.

MONSIEUR LE DUC: I have the honor to send you, enclosed herein, the copy of two petitions, presented by the Captain of an American vessel called "The Three Friends," [Los Tres Amigos] to the Marine Tribunal of Santander, in which the circumstances relative to his detention are detailed, and from which, it appears that the captors, notwithstanding his claims, have landed the cargo of the said vessel.

As I am well assured, from what has already taken place on like occasions, that His Majesty will be pleased to cause this vessel and cargo to be restored, I take the liberty of laying these facts before your excellency, not doubting but that you will have the goodness so to act as that this affair be terminated with the least possible expense to all the parties interested.

I shall only add an observation, that the circumstances of this vessel having been found in the possession of Frenchmen, cannot change the case, because she would not have been deemed good prize if she had been carried into France; and even if all the cargo belonged to Frenchmen, it would be restored here, according to the last disposition of His Majesty.

I have the honor to be, &c.

*Mr. Pinckney to the Prince of Peace.**

SAN ILDEFONSO, September 13, 1795.

MONSIEUR LE PRINCE: I have the honor to inform your excellency that the owners of the American vessels, the Rooksby and Greenway, which were carried into the port of Cadiz, in the year 1793, by His Majesty's frigate Santa Cathalina, have sent an agent to Spain, in order to receive those vessels, which they supposed had been put in complete repair in the royal dock-yards of His Majesty. Your excellency will readily recollect all the circumstances of this affair, by recurring to the letters with which you honored Mr. Short, on the 14th and 24th of October, 1794. The agent of the proprietors has had those vessels surveyed at Cadiz, and the report of the artists states, that there is still sufficient time to repair them, if the work be done before the autumnal rains complete their ruin. This agent is authorized to receive the indemnifications due for the freight of the cargoes of these vessels, and for the expense of their detention; but that which presses most in this case, and on which I beg your excellency to communicate to me the King's determination, is the giving of an order for the commencement of those repairs, as the agent is arrived here at the Sitio, where his expenses are more considerable than he can conveniently afford, and as he assures me that, if the repairs are not begun immediately, it will be useless to undertake them. As to what regards the freight and other demands, I have no doubt but we shall be able to arrange them amicably, at the same time we regulate the principles of several other claims of the same nature.

I have the honor to be, &c.

* Before addressed as the Duke of Alcudia.

*Treaty with Spain.**The Prince of Peace to Mr. Pinckney.*

SAN ILDEFONSO, September 15, 1795.

SIR: On observing what you state in the letter of the day before yesterday, on the solicitation of the proprietors of the American vessels, the *Rooksby* and *Greenway*, detained at Cadiz since the end of 1793, I assure you, sir, that orders have long ago been given for proceeding, without loss of time, to the repairing and refitting of the said vessels, agreeably to what has been proposed; but without attending to the pretended reclamations, for the reasons mentioned in my letters to Mr. William Short upon this subject.

On this occasion I reiterate to you, &c.

Mr. Pinckney to the Prince of Peace.

SAN ILDEFONSO, September 20, 1795.

MONSIEUR LE PRINCE: Having received orders from the Government of the United States of America to make reclamations to the Court of Spain, in consequence of the capture of several vessels belonging to their citizens, as well by the Spanish ships of war as by their privateers, during the war which has just been terminated, it is my duty to state to your excellency the basis upon which these reclamations are founded. There is no principle more incontestable, or more generally acknowledged, than that which establishes that, when two nations have the misfortune to be at war, the other nations wishing to remain at peace and not to meddle in the quarrel, ought not to meet with any molestation or bad treatment from them; but, on the contrary, that they should be free to go and come, to pursue their commerce and their labor, in the same manner as though the war did not exist; always suspending the plenitude of the exercise of this right in two cases only: the first of which is, not to carry, either to the one or to the other of the belligerent parties, warlike stores. The second, to carry nothing to places besieged or blocked up. With the exception of these two conditions, the war should be null, and as though it did not exist, so far as it respects neutral nations. This doctrine, founded upon reason, and supported by the sentiments of the most enlightened writers, is further established by the express approbation of the commercial nations of Europe, of whom there is scarcely one who has not adopted these principles in their late Treaties, in which they declare the conduct which the contracting parties should hold, in case either should be at war. But the time in which this common sentiment of the majority of the maritime nations manifested itself still more clearly on this subject, was, when maritime conventions were established in 1780, in the first instance, between the Northern Powers, and adopted posteriorly by a decisive plurality of the nations of Europe, and particularly by Spain.

It is this respectable code, dictated by wisdom and moderation, which, by preserving the privileges of those at peace, does not infringe the rights of those at war. This code, whose equitable principles have drawn forth the assent and support of

the most respectable Powers of Europe, who also, by their position, as well political as geographical, seemed to have but little interest in it—I mean the Emperor and the King of Prussia, who have solemnly adopted it—this code, in a word, uniting the sentiments of all the nations of the two hemispheres, except a single Power, has placed on a certain basis that which henceforward should be the Law of Nations on this subject. It is this code which I cite for the foundation of the proposition I have to make to your excellency, to wit: that the decisions on the captures of the American vessels which have been brought into ports belonging to His Catholic Majesty by his ships of war or privateers, shall be given according to the principles of the above-mentioned convention, made between the Empress of Russia and the King of Denmark in 1780, and to the principles of which Spain and the United States have since declared their intention of adhering, and that Commissioners shall be named on both sides for determining the reimbursements that may be due on this account. I do not think I can propose to your excellency a more convenient method for terminating all discussion on this subject, than by establishing a rule formally approved of by both nations, who have united in its favor, so remarkable a plurality of the important European Powers—a rule, moreover, conformable to the principles which His Majesty has declared he would follow in the war which has just been terminated, since, in the 14th article of his "*ordenanza de corso*," he has determined to observe the same conduct in this respect, which should be held by his enemies. Now, France has been held, by her Treaty with the United States, to observe these same principles, and she has acted conformably, so that the same rule which the King has already established, is precisely that which I at present claim. If the fact be as our citizens complain, that a considerable number of our vessels have been taken and carried into the ports of His Majesty, (particularly in the West Indies,) when they were occupied in lawful traffic only, where, after a long detention, their cargoes have been carried off by force, without the proprietors, for the most part, knowing whether they were condemned by a court of justice or not; if it be proved that half of the crews of some of these vessels died of the disorders incident to their captivity, those who survived abandoned their vessels and cargoes, rather than face the dangers of so destructive a detention; and if, by the very sentences of the tribunals in the islands, (where the sentences have been communicated to the owners,) it be proved that the acts for which these cargoes have been condemned were not offences against the Law of Nations; I am too well convinced of His Majesty's equity, and of his benevolence towards my nation, one instant to doubt that he will order proper measures to be taken for repairing the wrongs committed under color of his authority. If, on the contrary, these facts do not exist and should not be proved to the satisfaction of the Commissioners named by the King, he will have given a proof of his love of justice, and of his

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friendship for the United States, which will cost but little; will put a stop to every complaint in this respect; and do away the necessity of a claim on the part of Government upon each individual case, which would give an infinite deal of trouble to your excellency, and bring with it an endless discussion. I take the liberty of adding here a single reflection, which is founded on what appears to me to be the true interests of Spain on this subject, to wit: that it is expedient for a nation possessing the richest productions in the world, and who, during a war, must necessarily draw great resources from her distant possessions, for a nation whose inhabitants are not generally led by habit, or perhaps by sentiment, to a privateering war, that it is expedient, in a word, for the mistress of the mines of Mexico and Peru, to give the most ample latitude to the rights of neutral nations during a war. It is this sentiment, founded on justice and sound policy, which, doubtless, dictated the adherence of Spain to the principles of the armed neutrality proposed by Russia; and I have no suspicion that, in the present case, she would wish to swerve from it to do an injury to a nation, led equally, from interest and disposition, to rank herself among her best friends.

I have the honor to be, with sentiments of the highest consideration and respect, Monsieur le Duc, your most obedient and very humble servant,

THOMAS PINCKNEY.

The Prince of Peace to Mr. Pinckney.

SAN ILDEFONSO, September 23, 1795.

SIR: I yesterday received yours of the 20th, relative to the orders you have received from the President of the United States, for claiming indemnification for various prizes made by the ships of war and privateers of Spain, particularly in America, and soliciting the naming of persons on both sides, informed of the cases and complaints of the proprietors for determining them, according to the principles of the neutrality adopted in the year 1780, by the Northern Powers of Europe and by Spain.

You accompanied the said paper with an additional one, which I did not touch upon on Sunday, when I handed you the project of the Treaty, expecting that this point would be provided for therein.

And, in answer to both cases, I can inform you that, on the same terms as have been determined the American prizes in Europe, since the neutrality of the United States with France, in the present war, has been known, shall be judged the prizes which may have been made in America. But this matter being very different from the system of a Treaty stipulating positive regulations for the future, there is no necessity of including it therein.

I renew, on this occasion, my sincere desires, &c.,

THE PRINCE OF PEACE.

Notes on the project of a Convention proposed by His Excellency the Prince of Peace.

SEPTEMBER 25, 1795.

The preamble of this project appears very convenient, but there would be no impropriety in expressing the appointment of the Plenipotentiary of the United States according to the forms prescribed by their Constitution.

ARTICLE 1.

ART. 2. I think that it would be better to insert six months, instead of one year, for the period in which the garrisons shall retire, because six months may elapse after the signature of the Treaty, before the ratifications are completed, and hence the year which Spain requires for this purpose will be obtained.

ART. 3. The same period of six months may be substituted instead of one year, as in the preceding article, which corresponds with this.

ART. 4. In the ninth line of this article it appears that the word "*anchura*" (breadth) may be substituted for "extension."

In the 11th and 12th lines, the words "*solo et exclusivamente*" (alone and exclusively) should be omitted, for Spain could scarcely confide in the good faith of the United States, nor in this Convention, which she is about to conclude with them, if they agreed to an article which would be an infraction of another Treaty, previously made. Now, by the Treaty of Peace between the United States and Great Britain, concluded in 1783, it is stipulated that the navigation of the river Mississippi shall continue free to the subjects of Great Britain and to the citizens of the United States. It appears that the following provision would have all the desired effect: "It is nevertheless agreed, that nothing contained in this article shall be construed or interpreted to communicate the right of navigating this river to other nations or persons, than to the subjects of His Catholic Majesty, and to the citizens of the United States."

Again, this article is incomplete, and does not fulfil the object of the two parties, which is to avoid all circumstances which might become a cause of the interruption of the good harmony of the two nations; because it does not point out the manner in which this navigation shall be exercised. It is true, that the stipulation of the free navigation carries with it, as of natural consequence, that the persons and effects of the contracting nations cannot be arrested, or subjected to pay any duty for the use of this navigation, and that they are to enjoy all the conveniences on the borders of the river which the Laws of Nations permit; but it could produce no inconvenience to stipulate these points in the same article, by which means every discussion in this respect would be avoided in future. And I think it would also be the interest of His Majesty, in order to do away all suspicion of contraband trade, that a place be assigned for the American vessels, arriving from sea or from the river, to put into, or to touch at, instead of a more diffusive exercise of this right.

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SUSPENSION.—Again, as it appears that the Court of Spain desires to establish this convention upon the basis of justice, although, at present, it does not judge proper to enter into commercial arrangements with the United States, I think that, upon this footing, also, M. le Prince will agree, that justice will not be complete without some addition to this article. For I take it for granted, that the right of the United States to the navigation of the Mississippi, and to the limits, has been proved, and that it is incontestable; and I conceive this is deducible from the arguments which have been brought forward on the subject, on the part of the United States, having never been answered; and I am very certain that, if there were reasons capable of refuting them, they would not have escaped the penetration and intelligence of the Minister conducting this negotiation on the part of His Majesty, who would have displayed all the arguments which could be opposed with justice and energy to our pretensions. But his views are too upright to use unfounded arguments. He is also too enlightened to employ weak reasonings, and I am sincerely and fully persuaded that he had no others to produce. The right of the United States, therefore, being established, there is certainly something due to them for the suspension of that right, during a period of twelve years, which has done incalculable injury to the inhabitants of the fertile countries watered by the Mississippi. Under this point of view, then, I conceive I do not demand a thing incompatible with the most rigorous justice, when I make the proposition to cede to us a convenient space of ground for establishing a depôt, where the American vessels coming from sea may discharge their cargoes, with those arriving from the neighboring ports on the river. Besides, Spain having actually seen and considered the reasonings and the equitable basis upon which the pretensions of the United States are founded, as soon after that examination as she was convinced of their solidity, she has said, with a frankness and respect for justice which does her great honor, “We do agree, that the navigation of the Mississippi be common to both nations:” and I am too well assured of the Spanish good faith, to imagine that she wished this declaration to be illusory, without utility and without effect. Now, by the position and singular nature of the Mississippi, its navigation cannot be exercised with advantage by the citizens of the United States, without such a place for unloading their vessels as I wish to have stipulated by this convention; and I doubt not but that His Majesty will agree to it, after having reflected that it is a natural consequence of what is already concluded. Nor do I think it would be well to omit this part of the article under an idea that when we agree to a thing we agree to every matter necessary for its execution, and, consequently, that the Americans will have the right of using the necessary accommodations on this navigation; because I consider, as the principal object of this convention, the termination of everything that may give room for future complaints and disputes, whereas, the indeterminate manner of the use of this naviga-

tion would be a fertile source of altercation, which I doubt not but M. le Prince will readily co-operate with me to avoid.

Before I examine the 5th article, it is necessary to remark here, that if the 5th, 6th, 7th, and 8th, and after, the 15th, 16th, and 17th articles of the project which Mr. Pinckney had the honor of proposing, be entirely omitted, without any substitute, then it appears that every stipulation on commercial relations is rejected, and that His Majesty contents himself with doing what appears to him to be just, without wishing to connect more closely the bands of friendship with the United States by means mutually convenient. Mr. Pinckney, however, cannot allow himself to think—such being the dispositions of His Majesty, observing his benevolence for the United States, and the position of the two nations—but that M. le Prince still has some articles relative to commerce to propose. As to what regards an intimate friendship between Spain and the United States, under a political point of view, as relating particularly to those possessions of Spain in America, Mr. Pinckney does not hesitate to say that the advantages which would result therefrom to Spain are incalculable; and as to what regards merely the benefits of the commerce, he will content himself with laying only two circumstances before his excellency, proving that the commerce of the United States is not contemptible. The first is, that the inhabitants of the United States have doubled in the space of twenty years, eight of which have been employed in a war, which having partook of the nature of a civil war, was destructive to population, not only from the rage with which such wars are pursued, but by the emigrations which follow in such cases. Notwithstanding, the population of those States, which, at the commencement of the war in 1775, was under two millions and a half of persons, at this moment amounts to near five millions of inhabitants. The other fact is, that the exports from the United States to foreign countries, for the last year, exceeded in value the sum of thirty-two millions of dollars. A country, therefore, which offers a market consisting of five millions of persons, manufacturing but little for themselves, and which exports to the value of upwards of thirty millions, principally of articles of the first necessity, cannot offer a disadvantageous commerce.

ART. 5. It would seem that a part of this article contains inconveniences which should cause it to be rejected by both parties. The first principle apparently necessary to establish relative to the Indians is, that neither party should meddle in the political affairs of those inhabiting the territory within the limits of the other; and it is especially the interest of Spain to hinder such practices with the great number of Indians inhabiting her territory. But, if it be stipulated by this Convention, “*Que no se depojara ni hechara de sus tierras a dichas naciones,*”* and a war should take place between one of the parties and an Indian nation inhabiting the territory within its limits, that party

* That the said Indian nations shall neither be disturbed nor driven from their lands.

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could not repel such enemies, or drive them from its lands, though they should be the aggressor, without an infraction of the Treaty. The objection to this article originates only in the desire which the United States have to avoid every source of discord with Spain. There is nothing more evident than the care with which the United States have avoided a rupture, under very delicate circumstances. All Europe have witnessed, and Spain ought to be convinced of, the moderation and the wisdom of their Government on this score, with regard to European nations; and as to the Indians I can also with confidence assert that our Government has spared no pains in order to live upon good terms with them, and to render to them every friendly office and succor in its power—having established it as a principle never to take their lands unless it had a title to them as a just indemnification for a war of aggression on the part of the Indians, or unless by a sale voluntarily and publicly made. I am well convinced that His Majesty possesses the same sentiments of justice and benevolence for those nations; but it appears clearly that neither Spain nor the United States should agree that any other foreign Power whatsoever should have the right of meddling in the discussions which might take place between them and the Indians inhabiting their territories.

The last part of this article appears also to require some ulterior explanations.

ART. 6. Agreed to.

ART. 7. to require explanation of the 10th and 11th lines.

ART. 8, 9, 10, and 11. Agreed to.

ART. 12. Here are omitted the 15th, 16th, and 17th articles of the project of Mr. Pinckney.

ART. 13. Here are omitted the 19th, 20th, 21st, 22d, and 23d articles of Mr. Pinckney.

ART. 14 and 15. Agreed to.

ART. 16. Agreed to as far as the last paragraph, beginning with the words "*y los casos*," to which I am opposed; because it would render almost useless everything contained in this and the preceding article; because it is repugnant to the system of the armed neutrality of the last war, which I conceive it is the interest of Spain, as well as of the United States, to support; and because it would give room to perpetual abuse and vexations. I will put a case, which will show the inconveniences of this part of the article. The United States are at war with the Algerines; if this war should not soon terminate, it is probable that the United States will have a squadron in the Mediterranean. In that case, I suppose that Spain would not think it proper that the American ships of war should have the liberty of arresting those of Spain—of putting them out of their course, and of taking part of their cargoes, which they might do under pretext that they stood in need of it.

ART. 20. This article, according to the *projet* of M. le Prince, could not be executed in the United States on account of their Constitution, in which no authority exists giving them the right to cause a person to be arrested unless sufficient testimony be produced for having him brought before the tribunals. Mr. Pinckney, therefore, would not act

with good faith were he to consent to the insertion of an article which could be executed in Spain, and not in the United States. And he thinks also that it would be better to form from this article a separate Convention, in which the necessary forms for having arrested and delivered up any person whomsoever, according to the Constitution of the United States, shall be more detailed, and in which M. le Prince might insert the testimony and forms required by the Spanish laws for obtaining the effect desired.

M. le Prince will doubtless find, on reflection, that the term "*malhechores*" (malefactors) is infinitely too vague, as it comprehends every sort of transgression opposed to good morals; and it is also too uncertain, because such an act as would be reputed "*malhecho*" (a bad or criminal action) in one country, or in one age, might not be deemed so in another. As to what regards the effects or property that may be stolen or concealed, and carried into the territories of one of the parties, the following article gives a remedy, and the slaves are comprehended under these descriptions. The reason why the crime of murder is the only one mentioned in the project of Mr. Pinckney is, because it is the only crime appearing to merit the vengeance of Governments, which obliges them to take the trouble of pursuing the fugitives into foreign countries; because the exile which is the consequence of their flight appears to be a punishment sufficient for other crimes, and because by the 22d article they may be deprived of all the property which they may have been able unjustly to carry with them.

ART. 22.

ART. 23. Mr. Pinckney having stated, in a separate memoir, the reasons for inserting here an article as to the captures made by the Spanish privateers during the war just terminated, has nothing further to add to this.

[Enclosures in Mr. Pinckney's ^{spatch} of October 28, 1795—*postea*.]

Mr. Pinckney to the Prince of Peace.

MADRID, October 5, 1795.

MONSIEUR LE PRINCE: Your excellency, by the letter with which you honored me on the 23d ult., having agreed that the captures of the vessels of the United States which shall have been made in America shall be judged according to the same principles by which the prizes made upon the Americans in Europe have been determined since the neutrality of the United States towards France has been known, there only remains, for the accomplishment of the commission with which I am charged by the President of the United States on the subject, to explain what those principles are, and to bring them forth; although it appears to me that this might be done very conveniently by an article in the Treaty which, I hope, we shall soon terminate, as the principal object of this Convention is the termination of the differences which have formerly subsisted. However, as your excellency appeared to have objections to it, I have put

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those details in the form of a separate Convention, herein enclosed, and I flatter myself that the terms in which it is conceived will be acceded to by your excellency.

The Prince of Peace to Mr. Pinckney.

SAN LORENZO, October 7, 1795.

SIR: In answer to yours of the 5th current, in reply to mine of the 23d, you say that you suppose the difficulties pointed out therein against the insertion in the present Treaty of an article relative to the captures made on the citizens of the United States during the present war would require a separate Convention, in the terms mentioned. But there is, moreover, opposed to this, the same reasons as those to the insertion of the article. I must add that, as this business will require little explanation when agreed upon, there is no need of multiplying writing for inserting it, and that it will be proper to confine ourselves to the limits of our particular agreement, for whose execution the most clear and positive orders will be communicated.

SAN LORENZO, October 7, 1795.

The Prince of Peace, in consequence of the conference with Mr. Thomas Pinckney on Friday last, on the Treaty between Spain and the United States, which finally closed the said Treaty, hopes that, if Mr. Thomas Pinckney finds it conformable to his instructions, and to what has been agreed upon, he will sign it when convenient.

Mr. Pinckney to the Prince of Peace.

MADRID, October 9, 1795.

M. LE PRINCE: I have had the honor of receiving the project of the Treaty with the last corrections which your excellency has given to it, and I have considered it with all the attention which an instrument apparently of so much importance to my country merits; and I request you to be assured that I have borne in this investigation the most convenient disposition for establishing, upon just and solid bases, a close and sincere friendship between our two nations. It is, therefore, with much regret that I find myself, after the most mature reflection, unable to sign this Convention without its undergoing some alteration, and the principal reason is, that it is not final and conclusive, but refers to ulterior negotiations one of the principal objects of my mission, which is to establish the manner in which the citizens of the United States are to navigate the river Mississippi. I should here remind your excellency that it was in consequence of the representation of the Chargé des Affaires of His Majesty, that the President of the United States thought proper to establish the mission extraordinary which he has confided to me; and the principal reason offered by Mr. Jaudenes in his letter of the 16th of August, 1794, for the adoption of this measure was, that "His Majesty would not enter into any Treaty, unless the powers to the Ministers of the United States were

ample, or accompanied with secret instructions having for object to conclude a partial, and not a general, Treaty." After which, he adds, "that Spain is ready to treat upon the points of limits, Indians, commerce, and whatever may conduce to the best friendship between the two countries." Having, therefore, arrived here with the impressions naturally made by these expressions, it is with pain I have received the intelligence which your excellency has given me, that His Majesty would not, under present circumstances, enter into commercial arrangements. But, as Commercial Conventions should be arrangements of mutual convenience, I have the honor of assuring your excellency that the United States would not desire to have any, if the nation with whom they contract does not find a mutual advantage in them; and for that reason I have not been more importunate with your excellency for establishing articles on this subject, which the letter I have just cited appeared to authorize. But this is not the case with respect to what regards the navigation of the river Mississippi, which has been the subject of discussion between the two countries since the peace of 1783, and which, after all that has passed, I think that the United States have a right to expect to be put upon an advantageous footing in this Treaty. I shall not here repeat what I have already had the honor of representing to your excellency in writing and in conversation on this subject—adding only to my note on the 4th article of the project of your excellency references to some authors on the Laws of Nations, proving that we pretend to nothing unauthorized by those laws, even admitting we had no other equitable demands on account of the exclusion from that navigation which we have suffered for twelve years. *V. Grotius de J. B. and P.*, l. 2, c. 2, sec. 13: *Puffendorf*, l. 3, c. 3, sec. 8; *Vattel*, l. 2, sec. 129.

I shall here take the liberty of submitting a paragraph which might be added to the last article of the project of your excellency, and which appears to me of a nature not to encounter any difficulty, and may be regarded as an intermediate mean until His Majesty shall think proper to bring forward the ulterior measures on the subject mentioned in this article—observing, at the same time, that I do not pretend to propose this as an exclusive mean; but that if your excellency should have any other to propose, by which the United States might freely enjoy this navigation without waiting the result of the ulterior measures, which circumstances may still put off for a long time, I shall be much charmed at being able to agree thereto, having nothing more at heart than to terminate this discussion to mutual satisfaction. There are some other points in this project of less importance, but which appear to me susceptible of changes which I shall have the honor of adding, in which I think we shall readily agree.

I expect to go to the Sitio to-morrow, and I shall have the honor of presenting my respects to your excellency at the conference on Sunday, when I hope to receive the determination of your excellency on the subject.

I have the honor to be, &c.

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In the fifth article, the word "*offendan*" appears to me too vague and indefinite, and therefore it would be the better to omit it. In the last paragraph of the sixteenth article, for "*la Espana*," should be substituted "*las dos Potencias*," because the two Powers having equally the liberty of arresting the vessels of the other party in case of neutrality, they should be equally held to make compensation; and although the United States do not support a great naval army during peace, I conceive that, in case of a war, they would not want resources of this kind. And in the note which I have already had the honor of presenting on this article, I have detailed a case in which an American squadron, under very probable circumstances of arriving soon, might be able to make use of the right which this article would concede. It appears also that the price of the articles should be fixed in this convention; and as it is only in cases of urgent necessity that the right of taking them will be exercised, that price should be fixed high enough to hinder them from being taken without a real necessity, in which case those who would take them might easily have them also on paying a high price, and the neutral nations would be indemnified for their detention, and for having lost the object of their voyage. Wherefore, I propose that, in lieu of the words "*por tanto de su valor*," there be inserted, "at double the price which these effects cost," which will be proved by the papers relative to the cargoes found on board of the said vessels.

In the seventeenth article, I propose that, instead of "*d'Espagne*," towards the end of that article, the words "of the belligerent Power," be inserted; and that, instead of the last words, beginning with "*Lino*," there be inserted, "if it shall not be proved that they truly belong to the subjects or citizens of the contracting Power which shall be neutral."

In article twenty-first, I propose to change the following words: instead of "*S. M. Catolica*," insert "the two Powers;" and instead of "concedera," "shall mutually give on both sides to the commerce between the two nations."

Mr. Pinckney to the Prince of Peace.

SAN LORENZO, October 11, 1795.

MONSIEUR LE PRINCE: If I have rightly understood what you did me the honor to say to me at the conference to-day on the subject of my letter of the 9th current, that you could not agree to add what I proposed to you in the last article of the project of the Treaty of your excellency, because, that proposition being naturally temporary, and liable to be changed as soon as the ulterior measures brought into question in the last article shall have been taken, you did not think proper to insert it in a Treaty whose articles are of a permanent nature; but that you would agree to propose to His Majesty, and to support the proposition, that, by a separate instrument, the accommodation of a depot at New Orleans, which I proposed shall be agreed on, and that, in the same instrument, we may also insert the arrangements

relative to the prizes made upon the Americans during the war lately terminated; having, therefore, reflected on this proposition, I have the honor to reply, that, although I do not see, under the same point of view as your excellency, the objection made to the insertion of a temporary article in the same Treaty with other permanent arrangements, since it has generally been practised hitherto, yet the regard I have for your excellency's opinion, and my sincere desire of rendering the arrangements we are treating of as agreeable to Spain as may be compatible with my duty, lead me to acquiesce in this matter, provided that the latter convention be of the same force, and executed at the same time as the principal Treaty; and the better to explain my intentions hereon, I take the liberty of sending, herein enclosed, the project of two separate articles for the latter instrument, such as I can sign, and as, I doubt not, your excellency will find reasonable.

Mr. Pinckney proposes that the following be added to the last article of the project of M. le Prince: 1st. And that, in the meanwhile, the citizens of the United States shall have liberty to carry their produce and merchandise to New Orleans, and there to lodge them in stores, to which there shall be two keys, one of which shall be kept by His Majesty's custom-house officer, and the other by the proprietor, and that they be permitted to import the said effects whenever they think proper, in vessels of the United States, without paying custom-house or any other duties, except the ordinary and reasonable price for the hire of the said stores.

2d. His Catholic Majesty having, by his "*ordenanza de corso*," dated the 1st of May, authorized his vessels of war and privateers to bring into the ports of his domains the vessels of neutral nations, laden with merchandises belonging to his enemies, and to detain them until it should appear whether the enemy nation, to which those merchandises should belong, would not refuse, but, on the contrary, allow the same privilege, "observing the conduct which it has held, and will hold towards Spain, requiring a reciprocal treatment on her part."

And whereas a Treaty subsists between the United States of America and France, by which the conduct of the two nations is to be governed when one of them is at war; and it further appearing that the French have observed the stipulations of that Treaty with regard to Spain during the war which has just been terminated: His Catholic Majesty, in consequence, has agreed with the said United States of America, that all the vessels belonging to the citizens of the said States, which shall have been brought into the ports of Spain, as well in Europe as in the dominions of Spain in other parts of the world, shall be judged according to the stipulations contained in the said Treaty; and that there shall be two Commissioners appointed on the part of each nation, immediately after the ratification of this convention, who shall determine whether, according to the said Treaty, there is any right to indemnity, and who, in that case, shall fix the

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sum to be restored, which His Catholic Majesty shall cause to be paid, without delay, to the injured party; and, in case of disagreement of the said Commissioners, they shall choose by common consent, (if they can agree in the choice, if not, by lot,) a fifth Commissioner, and a majority of votes of these five shall finally determine the question, and without appeal.

The Prince of Peace to Mr. Pinckney.

SAN LORENZO, Oct. 12, 1795.

SIR: In answer to yours of yesterday, with the two articles referred to our conference for tomorrow, the one relative to the mode in which you wish the effects of the citizens of the United States navigating the Mississippi should be deposited at New Orleans; the other for regulating the prizes made during the present war, I can assure you that His Majesty, by a very particular grace, and as a proof of his liberality, will permit the citizens of the United States to deposit their effects in the custom-house at New Orleans, on paying the storage duties to which his own subjects are subjected: but without having the two keys you mention, because this, besides being entirely novel, is also contrary to confidence and good faith. As to what respects the point of prizes, I cannot add anything not already contained in my former official letters, since His Majesty will never admit this matter to be included in a Treaty or Convention.

Mr. Pinckney to the Prince of Peace.

SAN LORENZO, Oct. 16, 1795.

M. LE PRINCE: On considering the letters which your excellency has written and what you have done me the honor to say to me in conversation, in reply to the representations which I have made relative to the vessels which have been taken by the ships of war of Spain during the war, it appears clearly that we agree upon the principles which ought to determine this business, since the verbal convention which you made with Mr. Short, "That Spain will observe in the determination the same conduct towards you which is prescribed by the Treaty of Commerce between France and the United States," is so much the more satisfactory, as your excellency, by your letter of 23d of September, extends this principle to all the vessels of the United States which have been taken during the war as well in the American seas as in those of Europe. What at present appears to me necessary is to put it in my power to send to the President of the United States the result of the claims which I have had the honor to make in virtue of my commission on this subject, and to agree upon arrangements for giving effect to these principles. With this view I have the honor to propose that your excellency communicate to me officially the determination of His Majesty on the subject, and that the principles being thus stipulated, Commissioners be named on both sides for ascertaining the damages which may be due to the citizens of the United States according to those principles.

The Prince of Peace to Mr. Pinckney.

SAN LORENZO, Oct. 18, 1795.

SIR: You refer me, in your letter of the 15th instant, to mine of the 23d ultimo, for what I have said on the mode in which the captures of the vessels of the United States, lately made in America, shall be judged, and to my verbal conversation, on this point, both with you and Mr. Short; and you suppose that we perfectly agreed thereon, and that we might conclude upon a rule of procedure conformably to the principles adopted. But, from the same context of my letter already mentioned, is to be clearly inferred the distinction of two epochs; the one from the beginning of the war until the 6th of April, when His Majesty ordered the vessels of the United States to be treated in the same manner as those of France; and the other from the 6th of last April until the present time. The captures made within the first, must be judged according to the marine ordinance, (*ordenanza de corso*), and the general orders communicated at the time; and the vessels which may have been detained since the first of April, in the present year, shall be treated in the same manner as those which were then brought from the coast of Cantabria.

Mr. Pinckney to the Prince of Peace.

SAN LORENZO, Oct. 20, 1795.

MONSIEUR LE PRINCE: I am mortified on finding, by the letter with which you honored me on the 18th, that your excellency proposes to divide the war, which has just been terminated, into two epochs, and that the American vessels which have been detained by those of Spain, during that war, should be differently treated, according to the time at which they were taken; as it seems to me that that justice which should govern the conduct of nations towards neutral flags is always the same, and ought not to be liable to the variations of time or circumstances. It is very clear that the United States were as much neutral and as friendly to Spain at the beginning of the war as after the 1st of April last, and that consequently they should expect similar treatment at both epochs. That which is at least certain is, that, at all times, they ought to be treated according to the Laws of Nations, and I conceive I have proved very clearly what those laws are on this subject in my official letter of the 20th of September last; and, in order to avoid repetitions, I take the liberty of requesting your excellency to recur to that letter for the reasons upon which our claims are founded. As I do not know what are the general orders mentioned by your excellency, which were given before the 1st of August, 1795, I cannot answer that the United States will be contented with the determinations founded on them. If they are conformable to the armed neutrality of 1780, to which Spain and the United States have declared their adhesion, the United States will have nothing to say against them; but if they were formed upon the supposition that France was not a legitimate Power, the Laws of Nations cannot take place in cases respecting the

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commerce with that nation, and the United States would not consent to a proposition which would do so much wrong to a friendly and ally Power, which would sacrifice the honor of her flag and the property of their citizens, when they were occupied in lawful commerce: but, in order to avoid all discussion on a subject rather delicate, I have the honor to subjoin to this some specific propositions, founded upon justice and the Laws of Nations, as now established by the consent of a great majority of the nations of Europe, and adopted by Spain herself, which are, that no vessel of the United States, which has been detained by the subjects of His Catholic Majesty since the commencement of the war, can be deemed good prize, unless she carry articles which are contraband of war, to the enemies of Spain, or unless she be intercepted in endeavoring to enter a port inimical to Spain, which was blockaded, having been previously informed of the blockade; that, in order to determine what shall be deemed a blockade, this denomination is confined to that only where, by the disposition of the Power making the attack, the arrested vessels were sufficiently near to cause an evident danger of their entering.

That, for determining what should be deemed contraband of war, nothing ought to be acknowledged such, except the merchandises comprised under that denomination in the 24th article of the Treaty made between Spain and England on the 23d of May, 1667, or in the 24th article between France and the United States, concluded in 1778:

That His Catholic Majesty shall cause to be restored all the vessels belonging to the citizens of the United States with their cargoes, which have been taken in this war, except those which come within the above-mentioned case, with the damages due for their detention and other losses, and if it be impossible to restore them at present, that His Majesty cause to be paid to the owners the amount of their just value.

The Prince of Peace to Mr. Pinckney.

SAN LORENZO, Oct. 20, 1795.

SIR: Informed by yours of yesterday of the objection made to the addition proposed to be made to the last article of the Treaty relative to the permission given by His Catholic Majesty to the citizens of the United States, for three years, to deposit their merchandises at New Orleans, I repeat to you what I have already said, that I cannot vary it in the least; observing, however, that in the interval, His Majesty will have examined the medium through which the navigation may increase the commerce of his subjects, and of the citizens of the United States.

The Prince of Peace to Mr. Pinckney.

SAN LORENZO, Oct. 22, 1795.

SIR: Observing by yours of the 20th current, that you do not agree to the distinction made in mine of the 18th instant, of the epochs relative

to the detention of the vessels of the United States since the beginning of the war between Spain and France, lately terminated, you refer to what you expressed on the subject in yours of the 20th September last, and conclude by repeating that all detentions of the said vessels should be decided agreeably to the principles which you lay down as most consonant to the interests of the States, and conformable to the laws of nations. Without waiting to prove to you the modifications which, according to the same Laws of Nations, those principles are susceptible of, I only inform you that the vessels, detained before the 1st of April, must be judged like all those of the other Powers, according to the marine ordinance (*ordenanza de corso*) of the 1st of May, 1794, in general the United States as well as all others, until the special exception in their favor, verified on the 6th of April last, by just considerations, towards France. This is the reason why they should be judged according to the said ordinance until the epoch mentioned, from which time there is no given case; seeing that, from the moment of their detention, the vessels have been liberated; and, for the same cause, I conceive every proposition superfluous, which is not conformable to the said ordinance, and I shall not subscribe to any.

I hope you will entirely agree with me in opinion, as I cannot conclude the Treaty until this point be fully settled.

Mr. Pinckney to the Prince of Peace.

SAN LORENZO, October 23, 1795.

M. LE PRINCE: The propositions which I had the honor to communicate to you in my letter of the 20th current having been formed upon principles already recognised by Spain and, by the United States, I thought it the best mode for determining all discussion on the subject; for it appears clear, that where there is a difference of opinion between two independent Powers, it is a happy circumstance if they can have recourse to principles already admitted by both parties, without the one being obliged to give up his opinion, or to sacrifice his rights to the other. With this impression, I have the honor of repeating to you that I cannot agree to any proposition which does not contain substantially what I proposed to your excellency in my former representations.

I take the liberty of observing, here, that your excellency does not appear to have received correct information as to the immediate liberation of the American vessels, taken since the 6th of April last, as, out of the five carried into Santander, for which I presented a claim, to wit: the Liberty, of New York; the Maria, of Boston; the Providence, of Philadelphia; the Abigail, of New York; and the Three Friends, of Salem. The Liberty was detained one hundred and ten days; the Three Friends was detained at the departure of the last post; and the three others put to sea without a part of their cargoes, which your excellency had ordered to be restored, although I know that the officers of the marine, at

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that place, have received positive orders from your excellency for the restitution of the said vessels and effects.

As to what concerns the Treaty, I agree with your excellency that it would not be convenient to your excellency or myself to sign it until we have agreed relative to the vessels; and I can add that, even then, I cannot sign, unless the manner of navigating the river Mississippi, by the citizens of the United States, be regulated upon the principles of some one of the propositions which I have had the honor of making to you.

I have the honor to be, &c.

Mr. Pinckney to the Prince of Peace.

SAN LORENZO, October 24, 1795.

M. LE PRINCE: Important affairs demanding my return to England, I shall have the honor to take leave of their Majesties, as we have agreed, to-morrow; and I take the liberty of requesting you to have the usual passports expedited for my journey. Wishing to enter France by the way of Perpignan, I am desirous, also, of taking the route of Valencia and Barcelona, and shall be charmed to execute the orders with which your excellency may be pleased to honor me for any place on the road. I embrace this opportunity of testifying to your excellency my acknowledgments for the marks of good will, and for all the friendly offices, received from you during my stay here, and I pray you to accept the sentiments of respect and high consideration, with which I have the honor to be, &c.

The Prince of Peace to Mr. Pinckney.

SAN LORENZO, October 28, 1795.

SIR: In consequence of having yesterday signed with you a Treaty of Friendship, Limits, and Navigation, between the King my Lord and the United States of America, and of the information lately received from the Governor of Louisiana, stating that the Governor of the Natchez had advanced to occupy the post of the Barancas of Margot, comprehended within our ancient limits, and that some inhabitants of Kentucky, and of the neighboring States also, intended taking possession, His Majesty has commanded the said Governor to suspend all hostility, in case any shall have been committed on his part, or on that of the citizens of the United States, leaving matters in the situation in which they may be on the receipt of the order until the ratification of the Treaty. And he most sincerely enjoins all the military officers of the two Floridas to maintain perfect harmony with the commanders of the troops of the United States on those frontiers, as His Majesty wishes that the said Treaty may eradicate every motive of dispute which has hitherto existed, and that it will more and more strengthen the reciprocal friendship of both countries, not doubting but you will communicate every thing, without loss of time, to the President of the United States, that he may expedite similar orders for preventing

every kind of inconvenience on both sides, and perhaps an effusion of blood, now as useless as repugnant to humanity.

Treaty of Amity, Limits, and Navigation.

ART. 1.

ART. 2. This agrees with our proper boundary.

ART. 3. The instructions do not mention this, but I thought it might prevent disputes in future, and would have an immediate good effect with the Indians.

ART. 4. The wording of the latter part of this article seemed objectionable, and various alterations were proposed. It required much contest to obtain any alteration from the mode first proposed by Spain, whose doubts were principally founded on a jealousy of our letting in others. The substance, however, appears to me not disadvantageous, when considered as connected with the provision in the twenty-first article, and the wording fully authorized by my instructions.

ART. 5. This article occupied much time, and great prejudices were to be removed. The only part, as it now stands, which may appear objectionable, is the kind of defensive alliance we herein make with Spain against our respective Indians; and as the case was new, and the instructions not pointed on this head, I wished other modifications more for the sake of further investigation than from an opinion of disadvantage resulting from it: for, it appears to me, under our present and probable future circumstances, to be a beneficial stipulation.

ART. 6. Taken from the 7th of Prussia, with a small addition at the end, which appears to be not objectionable.

ART. 7. The first part taken from the 16th of Prussia; the latter part I added, because I considered it a good stipulation in all situations, but particularly so in Spain.

ART. 8. Taken from the 19th of France.

ART. 9. 16th of France.

ART. 10. 9th of Prussia—the last paragraph omitted.

ART. 11. 13th of Prussia—omitting the last paragraph.

ART. 12. 12th of France.

ART. 13. 20th of France.

ART. 14. 21st of France.

ART. 15. 23d of France.

ART. 16. From the 24th of France to the last paragraph, on which the greatest dissension prevailed. This conclusion is, however, the result of a composition, which I hope will not have a bad effect.

ART. 17. From the 25th of France to the last paragraph. The same remark may be made on this paragraph as was applied to the last article. It may, however, be remarked, that it is evidently to our advantage, that every precaution should be taken to prevent abuses against which this article is directed; even in this war great injury has been done to the confidence which should be reposed in the sanction of our flag, from its having

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been assumed by others; and, I am sorry to add, from unjustifiable conduct in some of our citizens.

ART. 18. From the 27th of France. This being the last of the articles relating to the neutral rights, I will here make an observation which is applicable to all this class; which is, that every stipulation in favor of these rights has appeared to be thought, by the Spanish Cabinet, a concession in favor of America. I think I have proved to the Minister, most clearly, that the amplest freedom given to neutral commerce is consonant to the true interests of Spain, but I have had almost as much trouble to obtain these stipulations as to settle other points, wherein their immediate interests were not so clear. And, after all, they are not exactly as I could wish.

ART. 19. As no commercial arrangements were made in this Treaty, this was all that could be said concerning Consuls.

ART. 20. This article appears favorable to us.

ART. 21. The part of this article which relates to our accommodation on the Mississippi, occasioned the greatest difficulty. It was our difference upon this point, and that of the spoliations, which occasioned me to ask for my passports; and the only words of warmth which have passed between the Prince de la Paz and myself, were on the subject of this article. And, on my part, I assure you, they were merely confined to repelling an expression in that line. Upon the whole, the personal conduct of the Minister to me has been perfectly satisfactory. By this article, we are insured a permanent dépôt at New Orleans, or another equivalent establishment, which I hope will prove of real utility. If good faith is observed, it certainly will, and without good faith, any article which could be inserted in a Treaty would be nugatory.

ART. 22. The written correspondence will, in part, show the various ways in which I endeavored to arrange this business. The proposal of the British principle of accommodation came from the Spanish negotiator, and was urged upon strong grounds. I trust, however, that this is, upon the whole, better than the British arrangement. There was, at first, a rooted repugnance here to insert this and the preceding article in the Treaty, in which objection the national pride seemed most concerned.

ART. 23. The time assigned for the exchange of the ratifications was made so short, because I knew the Senate would be assembled at the time when this Treaty may be expected to arrive, and because some stipulations beneficial to us cannot be executed till after this exchange.

Mr. Pinckney to Mr. Randolph.

SAN LORENZO, Oct. 28, 1795.

DEAR SIR: I herewith send to you a Treaty which I have just signed conjointly with the Prince de la Paz, His Catholic Majesty's first Minister and Plenipotentiary for negotiating this business. The stipulations which it contains have been formed to the best of my judgment, in con-

formity to my instructions, and where they left a latitude to the negotiator, according to what I conceived the interest of our country; and I sincerely believe them to be placed on the most advantageous footing which we could, at this time, obtain by friendly negotiation. I enclose copies of the written correspondence which passed between the Minister and myself, since my letter of the 30th of September, which covered our written negotiation to that time. These will throw some light on points in the Treaty which may require it, and render it unnecessary for me to give you a long detail of the oral part of the negotiation, which was frequent, diffuse, and extensive. I, however, took care to bring forward the written documents herewith which relate to the most material points. I can safely say that, if the Treaty be defective, it has not originated in want of assiduity. You will observe by my note of the 24th of October, that I found the difficulties of such an accommodation as I could accede to were so insuperable that I had asked for my passports to return. This may illustrate the difficulties I had to encounter, and the prejudices to be removed, which it requires some knowledge of the national character fully to conceive. The peace concluded between this country and France, and the pacific disposition (at least exteriorly) exhibited to Spain by the British Cabinet, added to our critical situation with the last Power, rendered this negotiation more difficult than it might otherwise have been. With respect to commercial arrangements, you will find that, in the outset of the negotiation, I endeavored strenuously to urge a close connexion; but finding the mind of the Minister completely made up on this point, and that he advanced reasons for delaying arrangements of this nature, which appeared to me to be founded on the true interests of Spain, connected with views to other nations at this juncture, I have lately ceased to insist on this subject; besides which, I believe they wish to reserve the commercial advantages they can offer as the equivalent for a guarantee of their American possessions.

I am informed by the Secretary of State here, that he has lately received advice, that a party of ours having advanced to the Muscle Shoals, on the Tennessee, and threatening to take possession of an advantageous post called the Barancas de Margot, the Spanish Commandant had sent a party to occupy that post; but the Minister assures me that he has sent orders to the commanding officer in the Floridas to abstain from all hostile operations.

I purpose setting out on my return in a few days. Mr. Charles Rutledge will remain here as Chargé des Affaires, by appointment of Mr. Short. I mentioned him to you in my letter of the 30th September, and I now enclose an extract from that letter, which concerns him, lest the first may have miscarried.

I am, my dear sir, with esteem, your faithful and obedient servant,

THOMAS PINCKNEY.

*Treaty with Spain.**Treaty between the United States and Spain.*

His Catholic Majesty and the United States of America desiring to consolidate on a permanent basis the friendship and good correspondence which happily prevails between the two parties, have determined to establish, by a Convention, several points, the settlement whereof will be productive of general advantage and reciprocal utility to both nations.

With this intention His Catholic Majesty has appointed the Most Excellent Lord Don Manuel de Godoy and Alvarez de Faria, Rios, Sanchez, Zarzosa, Prince de la Paz, Duke de la Alcludia, Lord of the Soto de Roma and of the State of Albala, Grandee of Spain of the first class, Perpetual Régidor of the city of Santiago, Knight of the illustrious order of the Golden Fleece and Great Cross of the royal and distinguished Spanish order of Charles III, Commander of Valencia del Ventoso, Rivera, and Aceuchal in that of Santiago, Knight and Great Cross of the religious order of St. John, Counsellor of State, First Secretary of State and Despacho, Secretary to the Queen, Superintendent General of the ports and highways, Protector of the Royal Academy of the Noble Arts and of the Royal Societies of Natural History, Botany, Chemistry, and Astronomy, Gentleman of the King's Chamber in employment, Captain General of his Armies, Inspector and Major of the Royal Corps of Body Guards, &c., &c., &c.; and the President of the United States, with the advice and consent of their Senate, has appointed Thomas Pinckney, a citizen of the United States, and their Envoy Extraordinary to His Catholic Majesty. And the said Plenipotentiaries have agreed upon and concluded the following articles:

ARTICLE 1. There shall be a firm and inviolable peace and sincere friendship between His Catholic Majesty, his successors and subjects, and the United States and their citizens, without exception of persons or places.

ART. 2. To prevent all disputes on the subject of the boundaries which separate the territories of the two high contracting parties, it is hereby declared and agreed as follows, to wit: the Southern boundary of the United States, which divides their territory from the Spanish colonies of East and West Florida, shall be designated by a line beginning on the river Mississippi at the northernmost part of the thirty-first degree of latitude North of the equator, which from thence shall be drawn due East to the middle of the river Apalachicola, or Chatahoochee; thence along the middle thereof to its junction with the Flint; thence straight to the head of St. Mary's river; and thence down the middle thereof to the Atlantic Ocean. And it is agreed that, if there should be any troops, garrisons, or settlements of either party in the territory of the other, according to the above-mentioned boundaries, they shall be withdrawn from the said territory within the term of six months after the ratification of this Treaty, or sooner if possible; and that they shall be permitted to take

with them all the goods and effects which they possess.

ART. 3. In order to carry the preceding article into effect, one Commissioner and one Surveyor shall be appointed by each of the contracting parties, who shall meet at the Natchez, on the left side of the river Mississippi, before the expiration of six months from the ratification of this convention, and they shall proceed to run and mark this boundary according to the stipulations of the said article. They shall make plats and keep journals of their proceedings, which shall be considered as part of this convention, and shall have the same force as if they were inserted therein. And, if on any account, it should be found necessary that the said Commissioners and Surveyors should be accompanied by guards, they shall be furnished in equal proportions by the commanding officer of His Majesty's troops in the two Floridas, and the commanding officer of the troops of the United States in their Southwestern territory, who shall act by common consent and amicably, as well with respect to this point, as to the furnishing of provisions and instruments, and making every other arrangement which may be necessary or useful for the execution of this article.

ART. 4. It is likewise agreed that the Western boundary of the United States, which separates them from the Spanish colony of Louisiana, is in the middle of the channel or bed of the river Mississippi, from the Northern boundary of the said States to the completion of the thirty-first degree of latitude North of the equator. And his Catholic Majesty has likewise agreed that the navigation of the said river, in its whole breadth, from its source to the ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other Powers by special convention.

ART. 5. The two high contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers which, by the preceding articles, form the boundaries of the two Floridas. And the better to obtain this effect, both parties oblige themselves expressly to restrain, by force, all hostilities on the part of the Indian nations living within their boundary; so that Spain will not suffer her Indians to attack the citizens of the United States, nor the Indians inhabiting their territory; nor will the United States permit these last-mentioned Indians to commence hostilities against the subjects of His Catholic Majesty, or his Indians, in any manner whatever. And whereas several Treaties of friendship exist between the two contracting parties and the said nations of Indians, it is hereby agreed that, in future, no Treaty of Alliance, or other whatever, (except Treaties of Peace,) shall be made by either party with the Indians living within the boundary of the other, but both parties will endeavor to make the advantages of the Indian trade common and mutually beneficial to their respective subjects and citizens, observing in all things the most complete reciprocity; so that both parties may obtain the advantages ari-

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sing from a good understanding with the said nations, without being subject to the expense which they have hitherto occasioned.

ART. 6. Each party shall endeavor, by all means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction, by sea or by land, and shall use all their efforts to recover, and cause to be restored to the right owners, their vessels and effects which have been taken from them within the extent of their said jurisdiction, whether they are at war or not with the Power whose subjects have taken possession of the said effects.

ART. 7. And it is agreed that the subjects or citizens of each of the contracting parties, their vessels or effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition, or other public or private purpose whatever. And in all cases of seizure, detention, or arrest, for debts contracted, or offences committed, by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases. The citizens and subjects of both parties shall be allowed to employ such advocates, solicitors, notaries, agents, and factors, as they may judge proper in all their affairs, and in all their trials at law in which they may be concerned before the tribunals of the other party, and such agents shall have free access to be present at the proceedings in such causes, and at the taking of all examinations and evidence which may be exhibited in the said trials.

ART. 8. In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for seeking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads, or ports, belonging to the other party, they shall be received and treated with all humanity, and enjoy all favor, protection, and help; and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals, and all things needful for the sustenance of their persons, or reparation of their ships and prosecution of their voyage; and they shall no ways be hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

ART. 9. All ships and merchandise of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either State, and shall be delivered to the custody of the officers of that port, in order to be taken care of and restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

ART. 10. When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coasts, or within the dominion of the other,

their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case: and if the operations of repair would require that the whole or any part of the cargo be unladen, they shall pay no duties, charges, or fees, on the part which they shall relade and carry away.

ART. 11. The citizens and subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other by testament, donation, or otherwise, and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament, or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the representatives, such care shall be taken of the said goods as would be taken of the goods of a native in like cases, until the lawful owner may take measures for receiving them. And if question shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would by the laws of the land descend on a citizen or subject of the other were he not disqualified by being an alien, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of detraction on the part of the Government of the respective States.

ART. 12. The merchant ships of either of the parties which shall be making into a port belonging to the enemy of the other party, and concerning whose voyage and the species of goods on board her there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports and havens, not only her passports, but likewise certificates expressly showing that her goods are not of the number of those which have been prohibited as contraband.

ART. 13. For the better promoting of commerce on both sides, it is agreed that, if a war shall break out between the said two nations, one year after the proclamation of war shall be allowed to the merchants in the cities and towns where they shall live for collecting and transporting their goods and merchandises; and if anything be taken from them, or any injury be done them, within that term by either party, or the people or subjects of either, full satisfaction shall be made for the same by the Government.

ART. 14. No subject of his Catholic Majesty shall apply for or take any commission or letters of marque for arming any ship or ships, to act as privateers against the said United States, or against

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the citizens, people, or inhabitants of the said United States, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war.

Nor shall any citizen, subject, or inhabitant of the said United States apply for, or take any commission or letters of marque for arming any ship or ships, to act as privateers against the subjects of His Catholic Majesty, or the property of any of them, from any Prince or State with which the said King shall be at war. And if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

ART. 15. It shall be lawful for all and singular the subjects of His Catholic Majesty, and the citizens, people, and inhabitants of the said United States, to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port, to the places of those who now are, or hereafter shall be, at enmity with His Catholic Majesty or the United States. It shall be likewise lawful for the subjects and inhabitants aforesaid to sail, with the ships and merchandises aforementioned, and to trade with the same liberty and security, from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same Prince or under several; and it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed free and exempt, which shall be found on board the ships belonging to the subjects of either of the contracting parties, although the whole lading or any part thereof, should appertain to the enemies of either: contraband goods being always excepted. It is also agreed, that the same liberty be extended to persons who are on board a free ship, so that, although they be enemies to either party, they shall not be made prisoners or taken out of that free ship, unless they are soldiers, and in actual service of the enemies.

ART. 16. This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods, shall be comprehended arms, great guns, bombs with the fuses, and the other things belonging to them, cannon ball, gunpowder, match, pikes, swords, lances, spears, halberds, mortars, petards, grenades, salt-petre, muskets, musket ball, bucklers, helmets, breastplates, coats of mail, and the like kinds of arms, proper for arming soldiers, musket rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandises which follow, shall not be reckoned among contraband or prohibited goods; that is to say, all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever, all kinds of wearing apparel, to-

gether with all species whereof they are used to be made; gold and silver as well coined as uncoined, tin, iron, latten, copper, brass, coals; as also wheat barley, and oats, and any other kind of corn and pulse; tobacco, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts, and, in general, all provisions which serve for the sustenance of life; furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloths, anchors, and any parts of anchors; also ships, masts, planks, and wood of all kinds, and all other things proper either for building or repairing ships, and all other goods whatever which have not been worked into the form of any instrument prepared for war, by land or by sea, shall not be reputed contraband, much less such as have been already wrought and made up for any other use; all which shall be wholly reckoned among free goods; as likewise all other merchandises and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods; so that they may be transported and carried in the freest manner by the subjects of both parties, even to places belonging to an enemy, such towns or places being only excepted as are at that time besieged, blocked up, or invested. And except the cases in which any ship of war or squadron shall, in consequence of storms, or other accidents at sea, be under the necessity of taking the cargo of any trading vessel or vessels, in which case they may stop the said vessel or vessels, and furnish themselves with necessaries, giving a receipt, in order that the Power to whom the said ship of war belongs, may pay for the articles so taken, according to the price thereof at the port to which they may appear to have been destined by the ship's papers; and the two contracting parties engage that the vessels shall not be detained longer than may be absolutely necessary for their said ships to supply themselves with necessaries; that they will immediately pay the value of the receipts, and indemnify the proprietor for all losses which he may have sustained in consequence of such transaction.

ART. 17. To the end that all manner of dissensions and quarrels may be avoided and prevented, on one side and the other, it is agreed that, in case either of the parties hereto should be engaged in a war, the ships and vessels belonging to the subjects or people of the other party must be furnished with sea letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of the parties; which passport shall be made out and granted according to the form annexed to this Treaty. They shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year. It is likewise agreed that such ships, being laden, are to be provided, not only with passports, as above mentioned, but also with certificates, containing the several particulars of the cargo, the place whence the ship sailed, that so it may be known whether

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any forbidden or contraband goods be on board the same; which certificate shall be made out by the officers of the place whence the ship sailed, in the accustomed form; and if any one should think it fit or advisable to express in the said certificates the person to whom the goods on board belong, he may freely do so; without which requisites they may be sent to one of the ports of the other contracting party, and adjudged by the competent tribunal, according to what is above set forth, that all the circumstances of this omission having been well examined, they shall be adjudged to be legal prizes, unless they shall give legal satisfaction of their property by testimony entirely equivalent.

ART. 18. If the ships of the said subjects, people, or inhabitants of either of the parties shall be met with, either sailing along the coasts or on the high seas, by any ship of war of the other, or by any privateer, the said ship of war or privateer, for the avoiding of any disorder, shall remain out of cannon shot, and may send their boats aboard the merchant ship which they shall so meet with, and may enter her, to the number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passports concerning the property of the ship, made out according to the form inserted in this present Treaty; and the ship, when she shall have showed such passport, shall be free, and at liberty to pursue her voyage, so as it shall not be lawful to molest or give her chase in any manner, or force her to quit her intended course.

ART. 19. Consuls shall be reciprocally established, with the privileges and powers which those of the most favored nations enjoy in the ports where their Consuls reside, or are permitted to be.

ART. 20. It is also agreed that the inhabitants of the territories of each party shall, respectively, have free access to the Courts of Justice of the other, and they shall be permitted to prosecute suits for the recovery of their properties, the payment of their debts, and for obtaining satisfaction for the damages which they may have sustained, whether the persons whom they may sue be subjects or citizens of the country in which they may be found, or any other persons whatsoever who may have taken refuge therein; and the proceedings and sentences of the said Courts shall be the same as if the contending parties had been subjects or citizens of the said country.

ART. 21. In order to terminate all differences, on account of the losses sustained by the citizens of the United States, in consequence of their vessels and cargoes having been taken by the subjects of His Catholic Majesty during the late war between Spain and France, it is agreed that all such cases shall be referred to the final decision of Commissioners, to be appointed in the following manner: His Catholic Majesty shall name one Commissioner, and the President of the United States, by and with the advice and consent of their Senate, shall appoint another, and the said two Commissioners shall agree on the choice of a third, or, if they cannot agree so, they shall each propose one person, and of the two names so proposed, one shall be drawn, by lot, in the presence of the two

original Commissioners, and the person whose name shall be so drawn shall be the third Commissioner; and the three Commissioners so appointed, shall be sworn impartially to examine and decide the claims in question, according to the merits of the several cases, and to justice, equity, and the Laws of Nations. The said Commissioners shall meet and sit at Philadelphia; and in the case of the death, sickness, or necessary absence of any such Commissioner, his place shall be supplied in the same manner as he was first appointed, and the new Commissioner shall take the same oaths, and do the same duties. They shall receive all complaints and applications authorized by this article, during eighteen months from the day on which they shall assemble. They shall have power to examine all such persons as come before them, on oath or affirmation, touching the complaints in question, and also to receive in evidence all written testimony, authenticated in such manner as they shall think proper to require or admit. The award of the said Commissioners, or any two of them, shall be final and conclusive, both as to the justice of the claim and the amount of the sum to be paid to the claimants; and His Catholic Majesty undertakes to cause the same to be paid in specie, without deduction, at such times and places, and under such conditions as shall be awarded by the said Commissioners.

ART. 22. The two high contracting parties, hoping that the good correspondence and friendship which happily reigns between them will be further increased by this Treaty, and that it will contribute to augment their prosperity and opulence, will in future give to their mutual commerce all the extension and favor which the advantages of both countries may require.

And in consequence of the stipulations contained in the fourth article, His Catholic Majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandises and effects in the port of New Orleans, and to export them from thence, without paying any other duty than a fair price for the hire of the stores; and His Majesty promises, either to continue this permission, if he finds, during that time, that it is not prejudicial to the interests of Spain, or, if he should not agree to continue it there, he will assign to them, on another part of the banks of the Mississippi, an equivalent establishment.

ART. 23. The present Treaty shall not be in force until ratified by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner if possible.

In witness whereof, we, the undersigned Plenipotentiaries of His Catholic Majesty and of the United States of America, have signed this present Treaty of Friendship, Limits, and Navigation, and have thereunto affixed our seals, respectively.

Done at San Lorenzo el Real, this twenty-seventh day of October, one thousand seven hundred and ninety-five.

THOMAS PINCKNEY, [L. S.]
EL PRINCIPE DE LA PAZ, [L. S.]

*Sites for Arsenals—Military Stores.***SITES FOR ARSENALS.**

Report of the SECRETARY OF WAR, on the measures which have been pursued to obtain proper sites for Arsenals; which is respectfully submitted to the House of Representatives of the United States.

It having been determined to erect one arsenal on the Potomac, and another in South Carolina; the latter in a situation to and from which water transportation would be afforded, and the former in the vicinity of a number of iron works; the necessary orders were given, in the year 1794, for exploring both countries. The agent employed on the former, reported, in the same year, in favor of a situation about twenty-five miles below the Blue Ridge, where a number of circumstances invited the establishment. In an undertaking, however, of such importance and permanency, it was deemed expedient to make another examination. This was done last Spring. The engineer employed, pursuant to his instructions, reported the situation of various places where it would be practicable to erect the necessary works and magazines, with their respective advantages and disadvantages; and at what prices they could probably be obtained. These were all extremely high, and one far exceeded the whole appropriation for all the arsenals proposed to be erected. For this reason, another place, comprehending several lots of land, had the preference, and the requisite negotiations were begun for making the purchases. Before these were concluded, the attention of the Executive was called to another situation on the Potomac, possessing, with some difficulties to be encountered, apparently many important advantages. The engineer was again instructed to examine this place, from whence he has lately returned. The American gentleman, well acquainted with the country, and who assisted him in this examination, was to have transmitted a survey of the place referred to, and of the adjacent waters, on which the engineer's report would be completed. The survey has not yet been received, and the determination of the Executive is consequently suspended.

The engineer employed, for the like purpose, in South Carolina, made a report, which was received early in the last Summer. He had explored that part of the country to which his attention had been directed by the Executive. He also examined another. The latter, independent of its being in a more healthful situation, was deemed by him to possess some other advantages over the former. However, he proposed to visit the Seat of Government, and personally explain his ideas of the subject. This visit was waited for, but not made: no decision has consequently been taken on his report.

The prices of lands and mill-seats (for the latter must be comprehended in the plan of an arsenal) so far exceeded those upon which the calculations were made, when the plan of erecting arsenals was projected, and rose so rapidly soon after, it is now found that the whole appropriation, for the three or four arsenals which the Executive was

authorized by law to erect, would be inadequate for a single new establishment. Hence the principal object, in the measures pursued during the last Summer, was to ascertain and secure the most eligible site on the Potomac, where magazines could be erected, and certain military stores be collected and safely deposited; and where, afterwards, the works necessary in the formation of all the implements of war, might be erected, as the requisite funds could be provided.

In a country where such establishments are unknown, and where the actual state of things admits of a suspension of some of them, consistently with the public safety, it would seem expedient to make an experiment with *one*, in a central position. The obvious principles of economy recommend this caution, and the avoiding of defects likely to appear in a first attempt, and the probability of solid improvements which experience would suggest, in a second, strongly enforce it.

Springfield, in the State of Massachusetts, was at once fixed on as a proper situation for the arsenal to be established in the Eastern division of the States. Magazines for military stores had been formerly erected at that place. Some additional buildings have been made, and a number of workmen collected for the purpose of repairing and manufacturing small arms. The former has been executed, and the latter commenced.

TIMOTHY PICKERING.

DEPARTMENT OF WAR, *Dec. 12, 1795.*

MILITARY STORES.

Report of the SECRETARY OF WAR, on the measures which have been taken to replenish the Magazines with Military Stores.

In respect to some of the most essential articles, the stock on hand is respectable; and as to others, the magazines are now not ill supplied.

A contract has been made for a large quantity of saltpetre; and probably it is now on its way from India. This important article may, however, be obtained in the Western parts of the United States. The fact is ascertained. Forty or fifty tons have been brought from those parts to Philadelphia for sale; and it is said that several hundred tons might be procured, in the same way, in the course of the next Summer, if needed.

To increase the stock of small arms, and to render serviceable those already in the public stores, two sets of armorers have been employed, to wit, at Springfield, in Massachusetts, and at New London, in Virginia, in repairing arms, and preparing to manufacture the most essential parts of muskets; and some specimens have been produced which prove their capacity to equal, in that article, the manufacture of any country in the world. All the arms in the magazines in Philadelphia have been repaired; with some thousands at West Point, where the residue are now repairing.

In addition to these sources of supply—besides two thousand rifles which have been purchased—contracts have been made, and are executing, for

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seven thousand muskets, to be manufactured in the United States. The present period may be deemed an unfavorable one to carry on such manufactures, on account of the high price of labor. Nevertheless, it seemed important to secure the services of the manufacturers, when they might be of the highest necessity, by continuing to furnish them employment. Such muskets as are manufactured are after the model of the French arms, which compose by far the greatest part of those in our magazines. For this reason, and because they are preferable to those of any other nation known in the United States, it was apparently inexpedient to make an importation of arms from Europe, seeing a supply was not to be expected from France, and the situation of the United States not rendering the measure of an immediate importation indispensable.

The casting of cannon has not been attended hitherto with the expected success. The foundries which formerly succeeded very well in the casting of small guns, were not well adapted to the casting of 24 and 32-pounders. A French gentleman, of some knowledge and experience in cannon foundries, has lately been employed to amend the process of casting, and to improve the machinery for boring; and there is room to hope that his projected improvements will be realized. Nevertheless, in an undertaking so important, and at the same time so expensive, it was desirable to obtain, if possible, a complete cannon foundry; and, from the information received, it seemed probable that one might be procured from one of the first foundries in Europe. Measures for that purpose have accordingly been taken.

All which is respectfully submitted to the House of Representatives of the United States.

TIMOTHY PICKERING.

DEPARTMENT OF WAR, Dec. 12, 1795.

FORTIFICATIONS.

Report from the Department of War, relative to the Fortifications of the Ports and Harbors of the United States.

Portland, in the District of Maine.—The works consist of a fort, a citadel, a battery for ten pieces of cannon, an artillery store, a guard House, an air furnace for heating shot, and a covered way from the fort to the battery.

The works are substantially executed, except the covered way; to complete this (the earth on the spot being of a bad quality) with the necessary supports of stones and sods, is estimated at four hundred dollars. Leveling the earth round the works, fencing the land pertaining to them, a pump for the well, painting the wood work, and rendering the whole perfectly complete; the estimate is four hundred and seventy-one dollars: in the whole, eight hundred and seventy-one dollars.

Portsmouth, New Hampshire.—The works consist of a fort, a citadel, an artillery store, and a reverberatory furnace. These are all completed

excepting a little carpenter's work, suspended to let the wood season, and which may cost about fifty dollars. But a small and unforeseen expense must be incurred for a drain to carry the water from the magazine, and may cost one hundred dollars.

Gloucester, Cape Ann.—The works consist of a battery and a citadel. These are completed. But to inclose the fort towards the town, the cost is estimated at one thousand four hundred dollars. This, however, may be postponed till circumstances require it to be done.

Salem.—The works, consisting of a fort and a citadel, have been erected. A gate remains to be made, and some repairs to the walls.

Marblehead.—A battery and a citadel have been erected. Any other works may be suspended until circumstances shall change.

Newport, Rhode Island.—For the defence of this harbor there have been erected on Goat Island a fort, a citadel, and an air furnace. The excellence and importance of this harbor in the time of war, recommend a further expenditure to render the defence complete. To finish the fort, erect an artillery store, and make a covered way round it, as in a regular fortification, the expense is estimated at about six thousand dollars.

There has also been erected a citadel on Tammany Hill, back of the town of Newport, for the protection of its inhabitants; and a battery and guard-house at Howland's Ferry, at the northern end of the island, to keep open a communication with the main in case of an invasion. But to secure effectually this communication, a citadel should be erected on Butt's Hill, that position commanding Howland's Ferry and Bristol Ferry. The cost of it is estimated at eighteen hundred dollars.

New London.—The works consist of a fort and citadel on the Groton side of the harbor, and of a fort, a citadel, and an air furnace on the New London side. They remain incomplete. Under present circumstances a small expenditure may be proper merely to preserve what has been done.

New York.—Governor's Island has been fortified with a fort made of earth, and two batteries under its protection, partly lined with brick masonry, two air-furnaces, a large powder magazine, and barrack for the garrison; the whole completed.

Philadelphia.—A large pier, as the foundation for a battery on a sand-bar opposite Mud Island, to make a cross fire, has been completed. A fort on Mud Island is about half done, and a citadel has been erected. To complete the fort, and on a plan much more circumscribed than was at first projected, the expense is estimated at fifteen thousand dollars.

Wilmington, Delaware.—Nothing has been done. The project of erecting a fort there has been abandoned as useless.

Baltimore.—A battery and barracks have been constructed, and some guns are mounted.

Annapolis.—Some progress had been made in the construction of a fort and battery, and a barrack has been erected. But an examination of

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the works by an engineer, other than the one first employed, produced an unfavorable report of the plan and of the works, and under actual circumstances, induced a relinquishment of them.

Alexandria.—A similar report as to the plan and situation of the work at this place, induced a like relinquishment.

Norfolk.—Two forts intended to cross their fire are erected on the opposite sides of the harbor. The one on the Norfolk side, with barracks and a powder magazine, is completed. The other, Fort Neilson, on the Portsmouth side, is very far advanced, and a powder magazine has been erected. The principal work remaining to be done is opening of seven embrasures, completing one ditch of three hundred and sixty feet long, completing the glacis, and removing the earth from within side of the fort, where it is two feet and a half too high. The expense of doing this, and completing the fortification, may be estimated at five thousand dollars.

Ocracock, North Carolina.—The defence proposed was to erect a fort on Beacon Island. The foundation was laid in 1794. The situation is so far removed (about ninety miles) from any inhabitants, and so exposes any works to injuries from storms, that nothing but an impending or actual war would seem to authorize the construction of a fort there, and furnishing it with a proper garrison.

Wilmington, North Carolina.—The battery on the whole front of the fort has been completed, and a barrack and powder magazine have been erected.

Georgetown, South Carolina.—A battery was begun, and materials collected, when the work was suspended, the owner of the land previously desiring to ascertain the terms on which it was to be occupied for the fortification, and for the road of communication with it. The unhealthiness of the situation, and other circumstances, authorize an abandonment of the work until war, actual or impending, shall require it to be resumed.

Charleston, South Carolina.—The work planned for Sullivan's Island, of which the foundation only was laid in 1794, being on a scale supposed too extensive for the funds destined to this service, was directed to be left as it was. For the same reason, a new work proposed by the engineer, on a point on the opposite side of the harbor from Fort Johnson, was not attempted. A battery has been erected in the town by the mechanics.

There remained only Fort Johnson, on which directions were given to make such repairs as would preserve the works already constructed, and render them serviceable. The engineer omitted the work. The officer in command at the fort has undertaken to make the necessary repairs for the works and barracks; and his intelligence and experience leave no room to doubt but these will be done.

Savannah, Georgia.—The work consists of a battery, at present destined only for six guns, made of timber filled with earth, enclosed behind

with pickets, with a guard-house for the garrison, which were in train to be completed early in the last autumn.

St. Mary's, Georgia.—The work consists of a battery made of timber filled with earth, enclosed with pickets. By the personal report of the superintendent, it must have been completed.

General Remark.—The few ports of the highest importance to the commerce of the United States, in situations to demand, for their security, fortifications of such kinds and extent as cannot suddenly be erected, prudence may require to have fortified in time of peace, and with durable materials.

TIMOTHY PICKERING.

WAR OFFICE, *January 16, 1796.*

A statement of the progress in providing materials for the frigates, and in building them.

If the frigates had been constructed with the timber at hand, in the several places where they were destined to be built, they might by this time have been completed. But the design of rendering them permanently useful having determined the Executive to have them constructed with live oak and cedar, the measures deemed necessary and adequate to the procuring of those materials were taken during the last year. The common and easy acquisition of those articles for the ordinary service of the merchants, forbade any apprehensions of extraordinary difficulty in procuring the same for the frigates. But in the experiment it has been found, that timber of the lengths and sizes necessary for frigates, was greatly dispersed, and grew generally in places difficult of access, and required extraordinary means of transportation to the landing. The natural difficulties of the country have been increased by unusual quantities of rain. Ship carpenters were sent from the Northern States to the islands, bearing the live oak, and employed during the last winter in cutting and hewing the timber: but the climate deterred them from staying to prosecute their work; so that three men only capable of selecting the proper timber, and moulding it in the requisite forms, have been prevailed upon to remain. These, with negro laborers, have continued the work, and are still employed. With these, however, it was judged practicable to procure the whole of the live oak timber by the month of May, 1796. Such was the report of an intelligent agent employed in Georgia during the last winter, and who has now returned thither to superintend, and, as far as possible, to expedite the operations.

Upon this report, made in June last, it was judged eligible to concentrate the efforts that were making to furnish the yards with live oak timber, and accordingly orders were given to accumulate, at two of the yards, so much of it as would be necessary to complete two frigates by the ensuing Spring. But before these orders could reach the manager, several vessels were despatched to different yards; and one was cast away and her cargo lost. Some difficulty occur-

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ring in procuring proper vessels to transport the timber, several of those which had made one voyage having encountered such hardships and sickness as to be deterred from making a second.

Nevertheless, under all these embarrassments, the work is continued, and with the well grounded expectation, before expressed, that all the live oak timber will be cut and transported to the different ship yards, at furthest, by the next midsummer.

Details of the quantities of timber and other materials already provided, and of the progress in building, will appear in the annexed schedules. The live oak and white oak timber mentioned, are generally or wholly moulded and dressed, and ready for raising.

Since draughting the foregoing report, a letter has been received from the chief carpenter employed in procuring timber in Georgia, presenting a very favorable account of his progress. Two vessels laden with live oak had recently sailed for the two yards of Philadelphia and Baltimore, and the rest of the timber to complete the frames of the frigates building at those places, was cut, and ready to be shipped. These were the two frigates, which, as before mentioned, it was proposed first to finish. The chief carpenter adds that if he is furnished with vessels fit for the service, he will have all the timber in the six yards in the month of May next, excepting the knees, all of which he thinks cannot be got of live oak. The agent who engages the vessels for transporting the timber has no doubt of procuring timely all that will be wanted for the service.

Sail cloth has been provided for one suit of sails for each of the frigates. It was contracted for and manufactured in the United States in the year 1794. It has been proposed to procure one kind of foreign cloth, of a superior quality; for the second suit; but the purchase has been suspended to avoid an expenditure of money until it could be ascertained at what time the cloth would actually be wanted to equip the frigates. For the like reason, no more hemp has been purchased than will be required for the cordage of the two frigates, the building of which it was intended to advance in preference to the others, and which it was then hoped would be constructed by the close of the next Spring. For the same cause the number of anchors which will eventually be required, remains incomplete.

All which is respectfully submitted to the House of Representatives of the United States.

TIMOTHY PICKERING.

DEPARTMENT OF WAR, Dec. 12, 1795.

Statement of the progress made in building a frigate at Philadelphia to carry 44 guns, under the direction of Mr. Joshua Humphreys, Naval Constructor, and Captain John Barry, Superintendent.

The keel is completed and laid on the blocks; the pieces are scarphed and bolted to each other in the best manner. The stern frame is complete and ready for raising; about two-thirds of the live oak for the frame is received, nearly all of

which is worked agreeable to the moulds, and many of the frames are together, and bolted, and ready to put into the ship; two-thirds of the plank for outside and ceiling, are received, and about one-third for the wales; the remainder is nearly ready. The beams for the orlop deck are all procured and worked, and many of the upper deck beams are likewise worked, and the remainder are expected to arrive daily; a large quantity of live oak knees have arrived for the security of the decks, and pieces for combings for the hatchways, partners for the masts and several other purposes are ready. The masts, bowsprit, yards, and the other spars are procured, several of which are received. The copper necessary for securing the various parts of the ship, and for sheathing the bottom, is in the public stores. The iron work is now preparing and ready for delivery as fast as it is wanted. The boiler for boiling the white oak plank in salt water, to render it durable in the greatest possible proportion to live oak, is completed. All the anchors are procured, and the hemp for the cables and materials is now spinning and preparing. All the canvass necessary for one suit of sails is in the public stores. The blocks for the rigging are manufacturing, and a great part are ready for delivery. Kentledge for ballast is all cast and delivered. A contract for the trenails has been made, and next month appointed for delivery. Bunting for the colors is on hand, and a great number of smaller articles for the hull, rigging, and equipping the ship, are stored in the public stores.

Statement of the progress made in building a frigate to carry 44 guns, at New York, under the direction of Mr. Foreman Cheeseman, Naval Constructor, and Captain Silas Talbot, Superintendent.

The keel is completed and laid on the blocks; the pieces are scarphed and bolted to each other in the best manner. The stern frame is not yet complete; several transoms are wanting; about one quarter of the live oak timbers for the frame of the ship are arrived, all of which are worked to the moulds. Timber for the gun deck and lower deck beams are received, and the plank for those decks is ready. The copper and trenails are all in the public stores. The plank for the outside of the ship as well as the ceiling, are nearly all cut; great part are put into the sea water to draw out the sap and to season them. The carlings, ledges, combings for the hatchways and bits, are sawing in the yards. The masts, bowsprit, yards, and spars, are procured and ready for finishing. The kentledge for ballast is all cast and delivered, and the iron work for the hull and materials is now in hand, and the articles, when finished, are placed in the public stores. All the necessary contracts are entered into by the agent, and the articles are daily arriving.

N. B. A large schooner with live oak, bound to New York, was unfortunately lost on Cape Hatteras, and every part of the cargo lost. On board of this schooner were many of the principal pieces of timber necessary for the frame.

Mint of the United States.

Statement of the progress made in building a frigate to carry 44 guns, at Boston, under the direction of Mr. George Claghorne, Naval Constructor, and Captain Samuel Nicholson, Superintendent.

The keel is completed and laid on the blocks; the pieces are scarphed and bolted to each other in the best manner. The stern frame is now completing, and will be soon ready to raise. The stem is also putting together, every part being worked to the moulds. About two thirds of the live oak timbers have been received, and are all worked agreeable to the moulds; great part of those timbers are bolted together in frames, and are ready to put into the ship; but some of the principal pieces for the frame have not yet arrived. All the gun deck and lower deck beams are procured and are ready for delivery, and the plank for those decks are received into the yard. The plank for outside and ceiling are also received and are now seasoning. The copper is all in the public stores. The masts, bowsprit, yards, and other spars, are all ready for working. The bits for the cables, combings for the hatchways, partners for the masts, are all ready. The caboose with a forge, hearth, armorer's tools, spare coppers, boilers, &c., are all complete; most of the iron work is in great forwardness; all the necessary contracts are entered into by the agent, and the articles contracted for are daily arriving.

Statement of the progress made in building a frigate to carry 44 guns, at Norfolk, under the direction of Mr. Josiah Fox, Naval Constructor, and Captain Richard Dale, Superintendent.

The keel is completed and laid on the blocks; the pieces are scarphed and bolted to each other in the best manner. The stern frame is complete and ready for raising; more than two-thirds of the live oak for the frame is arrived, which is worked to the various moulds; great part of the timbers are bolted together in frames, and are ready for raising. The gun deck and lower deck beams are all finished and are ready to put into the ship; the plank for the decks is not yet arrived. The outside plank, as likewise the ceiling, are preparing, and some parts have been delivered; all the copper necessary for securing the various parts of the ship together, and for sheathing the bottom, is in the public stores. The keelsons, and midship deadwoods, are complete. The masts, bowsprit, yards, and all the other spars, are cut, and several of them are received at the yard. The carlings, ledges, combings for the hatchways, and the partners for the masts, are now in hand. The iron work for the hull and materials is nearly ready. The caboose, with a forge, hearth, armorer's tools, spare coppers, boilers, &c., are complete. All the necessary contracts are entered into by the agent, and the articles contracted for are daily arriving.

Statement of the progress made in building a frigate to carry 36 guns, at Baltimore, under the direction of Mr. David Stoddert, Naval Constructor, and Captain Thomas Truxtun, Superintendent.

The keel is complete and laid on the blocks;

the pieces are scarphed and bolted to each other in the best manner. The stern frame is not quite complete. Near two thirds of the live oak timber for framing the ship is arrived; great part of which is worked to the various moulds, and some part bolted together in frames, and is ready to go into the ship. The beams for gun deck and lower deck are received, and are put to season. The plank for some of the decks is in the yard, and ready for laying: most of the plank for outside and ceiling is ready and in the yard. The copper for securing the various parts of the ship together, and for sheathing the bottom, is in the public stores. The masts, bowsprit, yards, and all the other spars, are cut, and ready to be delivered. The boats are building; and the bits for the cables, combings for the hatchways, carlings, ledges, and partners for the masts, are getting out. The principal part of the iron work is done for the hull, and materials, and all the necessary contracts are entered into by the agents, and the stores contracted for are daily arriving.

Statement of the progress made in building a frigate to carry 36 guns, at Portsmouth, New Hampshire, under the direction of Mr. James Hacket, Naval Constructor, and Captain James Seaver, Superintendent.

The keel is completed and laid on the blocks; the pieces are scarphed and bolted to each other in the best manner. The stern frame is nearly ready for raising; the principal framing of the body of the ship is not yet complete. About two-thirds of the live oak timber have been delivered into the yard, which is nearly all worked to the moulds; great part of the timbers are bolted together in frames, and are ready to go into their proper places. The beams for the gun deck and lower deck are ready, as well as the carlings and ledges for framing the decks; and the plank for those decks are also procured, and great part are in the yard. The outside plank and the wales are all cut, and will be ready in a few weeks, as is the ceiling; great part of the plank is already received into the yard, and is now seasoning. All the copper necessary for securing the various parts of the ship together, and for sheathing the bottom, is in the public stores. The masts, bowsprit, yards, and the other spars, are delivered by the contractors. The bits for the cables, combings for the hatchways, partners for the masts, are all received and trimmed. Most of the iron work is in great forwardness; and all the necessary contracts are entered into by the agent, and the articles contracted for are daily arriving.

MINT OF THE UNITED STATES.

DEPARTMENT OF STATE,
December 14, 1795.

SIR: By the direction of the President of the United States, I have the honor to enclose, to be laid before the House of Representatives, the reports of the late and present Director of the Mint,

Mint of the United States.

exhibiting the state of that establishment, and showing the necessity of some further Legislative provisions to render it more efficient and secure.

I am, most respectfully, sir, your obedient servant,

TIMOTHY PICKERING.

*The SPEAKER of the House of Reps.
of the United States.*

Henry William de Saussure's report on the Mint.

MINT OFFICE, October 27, 1795.

DEAR SIR: The law establishing this office having placed it more immediately under your guidance, I deem it a duty to lay a state of its past operations and actual situation before you at the moment of my resigning its direction. The enclosed document, marked A, will show the quantity of copper which has been coined and sent into circulation from the Mint. The whole of this coinage was accomplished by my predecessor, Mr. Rittenhouse. The enclosed documents, marked B and C, will show the quantity of the precious metals which have been worked up and coined, partly under the direction of Mr. Rittenhouse, and partly under mine—the gold wholly under mine.

It may possibly appear to those who have not taken pains to inform themselves of the difficulties to be encountered in the formation of new establishments, that little has been done; but a short review of the embarrassments which occurred, will show that as much has been done as could reasonably be expected in the infancy of this establishment. In the first instance, it was exceedingly difficult to procure workmen, in any degree acquainted with the various kinds of work to be performed. Indeed, most of the workmen have been formed in the Mint, and have only recently attained that skill and facility in their several walks which practice alone can give, but which is essential to the despatch of business. Much difficulty occurred in obtaining the very tools and implements necessary for the operations of the Mint; and most of them have been prepared under the immediate direction of the officers, and particularly Mr. Voight, the Coiner.

Great delays were incurred in obtaining the heavy iron work, particularly the rollers; and these were not always fit for use, when obtained. Those which are now in use being almost worn out, I have been striving in vain to replace them with the fine Andover iron.

One unsuccessful attempt has been made for us at an air furnace; and it yet remains to be tried, if it can be accomplished without recurring to the tedious and expensive method of making them of wrought iron, converted into steel.

More than once, as I have been informed, the operations have been suspended for want of dies, which the industry of the engraver could not supply fast enough for the presses. A happier selection of steel, aided by more skill in hardening the dies, has remedied this evil, and the engraver is now enabled to supply the Mint with dies of every kind in advance. To these causes of delay must be added, that the greatest part of the bullion which

has been brought to the Mint for coinage has been below our standard, and required the tedious operation of refining; or the precious metals have been brought melted up together, and required the more tedious operation of separation—operations which I understand are never performed at any other Mint, and which the diminutive scale on which ours is formed but illy qualified it to perform. These are some of the difficulties which occurred. Most of them had been vanquished by the judgment of my able and very respectable predecessor, whose mechanical genius and powers of calculation seem to have been essential to the organization of the establishment. The remainder I have endeavored to subdue; and I am now free to say that the Mint, even on its present contracted scale, if regularly supplied with the precious metals, of the legal standard, will be adequate to the coinage of \$1,500,000 annually in silver, and as much in gold; and that a small increase of the labor and expense will produce an addition of as much of the copper coinage as will be requisite for the use of this country. I venture this assurance upon my view of its operations upon a late deposit of silver, vigorously urged for a few weeks. The gold coinage was carried on at the same time, to a small amount, and might have been to a much larger, if there had been any bullion in a state fit for coinage. All the gold, and almost all the silver, within a mere trifle, in a state actually fit for immediate coinage, has been coined and delivered.

It will be proper for me to state to you what I have before stated to the late Secretary of State and the present Secretary of the Treasury, that there is no copper in the Mint fit for coinage. There are, indeed, considerable quantities of clippings of the copper which are reducible into ingots, and would, when rolled, be fit for use; but the Mint is so illy prepared for these operations on that metal, whilst occupied in the coinage of the precious metals, that it would be advisable for the Government to apply these clippings, and some other masses of copper in possession of the Mint, to some other purposes, and to exchange therefor some of the sheet-copper it possesses, or to purchase sheet-copper for the coinage. The price of copper having risen considerably, from causes which it is said will be operative for some length of time, if not permanently, it has been suggested that it would be useful to diminish the weight of the cent, as the copper would thereby be brought nearer to its proportionate value to silver, and might prevent its being worked up by the coppersmiths. The law seems to have contemplated the possibility of such an arrangement being proper, by giving you the power to make the alteration.

It is important to inform you of what I have before mentioned to the Heads of Departments above-named, that the standard of silver coin, in use at the Mint, differs from the standard fixed by law. The law establishing the Mint, fixes that the silver coinage should contain 1,485 parts of fine silver to 179 parts alloy; or ten ounces, fourteen pennyweights, five grains, of fine silver, to one ounce, five pennyweights, nineteen grains, alloy.

Before any operations commenced under this

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law, it was supposed, by the best informed men, that this standard was too low—would debase the coin too much—and was inconvenient in other respects; and it was presumed that an alteration would be made, which was recommended by its propriety and correctness. The alteration contemplated went to the establishment of a standard which required that nine parts in ten should be fine silver, the other tenth alloy; or ten ounces, sixteen pennyweights fine, to one ounce, four pennyweights alloy, in the pound troy. Upon the presumption of such an alteration, I understand the coinage was commenced in October, 1794, and the matter was submitted in the winter to a committee of Congress, who reported on the propriety of the alteration. By some means, that part of the report on the Mint which related to the standard, after passing one branch of the Legislature, did not pass the other. Still, however, the coinage was continued on the principle it was commenced. It being represented to me, when, soon after my coming into office, I observed the fact, that some mistake alone had prevented the change by the Legislature, I did not feel myself qualified to alter the standard which I found in use in the Mint, under the weighty sanctions of Mr. Rittenhouse's authority, and the report of a committee of the Legislature. I am thus particular in stating this business, as it is of high importance that the law should be altered, or that the standard should be accommodated to the law.

Permit me, sir, to suggest the necessity of protecting the laws for the coinage. I understand that none of the laws of Congress have provided any penalties for the various offences which may be committed against the coinage. In most countries strict laws are enacted, prohibiting the interference of individuals in this attribute of sovereignty; and in some, the very possession of dies or presses, or other implements essential in the coinage, is made criminal. In this country, Mints are said to be boldly erected in Baltimore and elsewhere, professedly to imitate the coins of foreign countries, and to furnish a debased gold coin for the West India markets; and much of the gold bullion which would be brought to the National Mint is carried to these private establishments, which degrade our national character. Encouraged by this negligence of Government, men have carried their ideas further; and there is but too much reason to fear that a recent attempt on the dies and other implements was made with nefarious views.

Amongst the unpleasant circumstances which attend the contracted scale on which the Mint has been erected, there is one of very serious import. The owner of a small lot adjoining the Mint has a right of passage through the interior of the lots of the Mint. This exposes the works to improper intrusion, and prevents that complete control over the workmen which is essential to the well-ordering of the business. A small sum of money would have purchased that lot some time ago. I believe it may still be had reasonably.

I feel it a duty to warn the Government of the propriety of putting itself in a situation to replace

the Assayer, if that measure should become necessary. The time of his engagement with Mr. Pinckney has almost expired, and he is forming works, in connexion with other persons, for carrying on business on his private account. Probably he may not choose to remain in the public service at the expiration of that time. Possibly it might be inexpedient to allow the Assayer of the Mint to be connected in the works which bear some relation to the coinage, or to the preparation of the metals for coinage—at least some check should be provided.

Permit me to suggest that it might be useful to publish a short statement of the operations of the Mint, and of its actual prepared state to carry on the coinage of the precious metals to a considerable amount. It might satisfy the public mind, and might also lead to the production of considerable quantities of bullion, which are said to be in the hands of individuals in the United States, who are unadvised of the facility and certainty with which they may now have bullion coined.

I must treat your pardon for intruding so long on your time. It appeared to me important to lay this information before you.

I am now prepared to deliver up the direction of the Mint to my successor. It only remains for me to thank you, in all sincerity, for your confidence in the unsolicited bestowal of this office on me, and to assure you that I have endeavored to deserve it. Allow me to hope that you will be persuaded that I am, sir, with the truest and most affectionate attachment and respect, your obedient servant,

HENRY WM. DE SAUSSURE.

The President of the United States.

—
The DIRECTOR OF THE MINT, in obedience to the President's commands, makes the following Report relative to the Mint of the United States, hoping that the short time of one month which he has had to make himself acquainted with the present state of it, will apologize for any inaccuracies that appear therein:

On entering on this service, the Director found that the united exertions of the several officers had been engaged to complete as many coins of the precious metals as circumstances would permit, by which the state of their accounts relative to deposits had been delayed. It became a prudent measure, on the part of the new Director, and one absolutely necessary to the future conducting the department with propriety, to insist on an immediate close of all accounts relative to the precious metals, from the first establishment of the Mint.

The many difficulties attending this process put a stop to any further coinage, excepting as to what was then in hand. The accounts of those metals are now nearly brought up, and in a few days will be finished.

Every previous step was preparing for a vigorous and systematic renewal of the coinage, when the sudden and unexpected death of the Assayer, (Mr. Albion Cox,) on Friday last, by an apoplectic fit, deprived the Mint of an intelligent officer, essentially necessary to the future progress in the coin-

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age of the precious metals. Until this officer is replaced, the business at the Mint must be confined to striking cents only.

The Director has endeavored to avail himself of the temporary cessation of full business to prepare a system of rules for conducting the Mint in future, in all its branches, which shall be reported to the President in a few days, and which will be hereafter carried into execution, if it should meet with the President's approbation. Future experience will improve it, by such additions and alterations as practice will discover to be necessary.

The issues of the Mint, from its first establishment to this day, as collected from the Register kept for that purpose, consist of—

Eagles	-	-	-	2,795
Half-eagles	-	-	-	8,707
Dollars	-	-	-	204,791
Half-dollars	-	-	-	323,144
Half-dimes	-	-	-	86,416
Cents	-	-	-	1,066,033
Half-cents	-	-	-	142,534
Total in dollars	-	-	-	453,541 80

There are not, to the knowledge of the Director, any protecting laws yet enacted, securing the coinage by proper penalties against those (other than persons concerned in the Mint) who may counterfeit, debase, clip, or otherwise lessen the value thereof, with intent to defraud.

The interference of individuals with so necessary a branch of the Executive Government as that of coining money, by setting up coining-presses for imitating foreign coins, should be prevented by law, if either the national honor or the success of the Mint are to be objects of public attention. The one is injured in foreigners being imposed upon by an imitation of foreign coins of a reduced weight, and perhaps wanting in standard purity; the other may be deprived of all the bullion thus wrought up at these irregular presses.

The stealing of the dies, hubs, milling-stamps, screws, presses, or other instruments used in the coinage, as well as the taking, receiving, adulterating, or secreting the metals kept in or belonging to the Mint, call for special provision from the Legislature of the United States. The Director is sorry to say that these observations are justified by facts that have already happened at the Mint. The laws of the several States are not particularly adapted to these objects, so as to guard against these evils—a Mint never having been taken into their contemplation.

This opportunity ought not to be lost, of urging the propriety of prohibitory laws against any persons concerned in the Mint, either us an officer or workman, being engaged directly or indirectly in buying or selling of bullion, gold, or silver, or a mixture of either with other metals, on his or their private account. The checks provided for security against imposition will be in vain, if the property of the precious metals assayed and coined at the Mint may be vested in the persons who have the charge thereof, in its passage through the Mint.

The same reasoning will equally show the impropriety of any officer or workman engaged in

the Mint being allowed, by himself or in company with others, to be concerned, directly or indirectly, in the works of a similar nature on their private account, or in any such works wherein metals are melted, refined, rolled, or otherwise prepared, so as to be fit for coining.

To remedy some of these evils, it would be a measure highly advantageous to the United States, and very beneficial to depositors, if some proper person was authorized to purchase, on public account, all small quantities of silver and gold brought to the Mint, at the best market price, to be coined for the public Treasury.

It has been the opinion of former officers of the Mint that the legal standard for silver should be reconsidered; and the Director, on coming into office, found that, for some special reasons, the standard of coins heretofore completed varied in a small degree from that established by law. Whatever force those reasons may have with the Legislature, the Director did not think himself justifiable in permitting so important a measure to be continued without the Legislative sanction. He has therefore issued orders that, in future, the precise terms of the act of Congress in this respect should be observed; but as the coinage is at present in a state of suspense, it may be a proper time to review the alloy directed by law, as the alteration, if found necessary, could now be adopted without injury to any one.

The act of Congress directs that the alloy of gold shall be of silver and copper, not exceeding half silver. The practice at the Mint has been to form the alloy of copper, with the smallest portion of silver, so as barely to comply with the words of the law. The silver contained in the alloy is an entire loss to everybody, without answering the least valuable purpose. It is said not to mix so intimately and freely with gold as copper does, neither will it equally add to the hardness of the coin; at the same time it is a heavy increase of the annual expenses of the Mint. This regulation of part silver in the alloy of gold, it is said, may be repealed with great propriety.

These appear to the Director to be the principal points relative to the Mint, demanding the President's immediate attention. As to the practice in detail, whatever has been found by experience to need checks or alterations, and has come to the Director's knowledge, and which he could remedy without troubling the President, he has endeavored to incorporate into the system of rules herebefore referred to.

All which are respectfully submitted.

ELIAS BOUDINOT, *Director.*

MINT OF THE UNITED STATES,

December 3, 1795.

A.—A statement of the species and value of copper coin delivered at sundry times by the Chief Coiner of the Mint, to September 30, 1794, as appears by the books of the Treasurer of the Mint.

Cents	-	-	-	908,012
Half-cents	-	-	-	116,934
Value in dollars	-	-	-	9,664 79

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B.—A statement of the species and value of silver coins delivered by the Chief Coiner of the Mint, from October 15, 1794, to October 24, 1795, inclusive, as appears by the books of the Treasurer of the Mint.

From October 15, 1794, to June 30, 1795	- - - -	\$68,169
From July 1, 1795, to October 24, 1795	- - - -	136,622
Total	- - - -	204,791
Half-dollars	- - - -	323,144
Half-dimes	- - - -	20,856
Do.	- - - -	31,660
Total	- - - -	52,516
Value in dollars	- - - -	468,988 80

C.—A statement of the species and value of gold coins delivered by the Chief Coiner of the Mint, from July 31 to October 24, 1795, inclusive, as appears by the books of the Treasurer of the Mint.

Eagles	- - - -	1,884
Half-eagles	- - - -	8,707
Value in dollars	- - - -	62,375

SEAT OF GOVERNMENT.

To the Honorable Congress of the United States of America:

The Memorial of the Commissioners appointed by the President of the United States, by virtue of an act, entitled, "An act for establishing the temporary and permanent Seat of the Government of the United States," respectfully sheweth:

That the President of the United States, by virtue of the act above-mentioned, appointed three Commissioners, for the purposes declared in the said act, and in an act to amend the same, passed at Philadelphia in the year 1791, who, under his direction did cause to be surveyed, and by proper metes and bounds defined and limited, a district of territory ten miles square, on both sides of Potomac river, including the towns of Alexandria, in Virginia, and Georgetown, in Maryland, for the permanent Seat of the Government of the United States: that the proprietors of all the lands within the following bounds—that is to say, beginning on the east side of Rock creek, at a stone standing in the middle of the road leading from Georgetown to Bladensburg; thence along the middle of the said road to a stone standing on the east side of Reedy branch of Goose creek; thence southeasterly, making an angle of sixty-one degrees and twenty minutes, with the meridian, to a stone standing in the road leading from Bladensburg to the Eastern branch ferry; thence south to a stone eight poles north of the east and west line drawn from the mouth of Goose creek to the East-

ern branch; thence with the waters of the Eastern branch, Potomac river, and Rock creek, to the beginning, have conveyed the same to trustees for a Federal City, to be laid out with such streets, squares, parcels, and lots, as the President of the United States should approve; the streets and squares to be the property of the United States solely, and the lots to be equally divided between the granters and the United States. That the State of Virginia has paid one hundred and twenty thousand dollars, which had been previously offered by an act of the Legislature on condition that Congress would establish the permanent Seat of Government on the banks of the Potomac, to be applied, under the direction of the President of the United States, towards erecting the necessary buildings for the Federal Government; and that the State of Maryland hath paid seventy-two thousand dollars for the same purpose. That the Commissioners, in order to secure proper materials for the public buildings, directed by the act above mentioned, at reasonable rates, and to facilitate the carriage thereof, proceeded to purchase quarries of freestone; to build wharves and bridges; and to open such roads and canals as were deemed necessary for these purposes; which having accomplished, they commenced building of the Capitol and President's house, and have made considerable progress therein. The Commissioners considering that an increase of houses would induce settlers in the city, and thereby contribute much to the accommodation of Congress and the advancement of trade and manufactures, did, in the month of December, 1793, enter into a contract with two gentlemen for the sale of six thousand lots, at the low rate of eighty dollars per lot, payable in seven annual instalments, the purchasers obliging themselves to erect one hundred and forty convenient brick dwelling houses, each covering one thousand two hundred square feet, before the year 1800; and, engaging further, that all sales made by them previous to the year 1796 should be on condition that the purchasers should erect one such house for every three lots purchased. The Commissioners have, from time to time, sold lots in small numbers or singly, to various persons, to the amount of ninety-five thousand six hundred and fifty-two dollars, and there still remain unsold about four thousand seven hundred lots; which, valued at the average price of those sold as last above mentioned, are worth nearly one million and a half of dollars. With these resources in their hands, your memorialists entertain no doubt of completing such buildings as will be absolutely necessary for the reception of Congress, before the time appointed for their removal to the permanent Seat of Government; but, as the punctual compliance with the contracts of individuals cannot be relied on with that certainty which is necessary to the carrying on the public works to advantage, and as the bringing into market so large a portion of the city property as would raise money sufficient for that purpose, would greatly depreciate its value, your memorialists conceive that the loan of a sum of money, secured on the city property, would be highly ad-

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vantageous, as it would enable them to proceed with more celerity in completing the public buildings than a dependance on the collection of debts and sale of property will admit.

The rapid progress of the buildings would in itself be an encouragement to private improvements, and have an immediate tendency to enhance the price of lots; but could the lots be generally retained until the Seat of Government shall be removed, they will rise so far beyond their present value, that not only all sums now borrowed on that foundation may be repaid, but much property reserved for the disposal of the United States; yet, as the laws of Maryland, which are still in force in the Federal District, do not permit the receiving of more than an interest of six per centum per annum, which on this occasion it will probably be necessary to exceed, and as money lenders, in foreign countries at least, may be unacquainted with the value of the security offered, your memorialists beg leave to submit to the consideration of your honorable body the propriety of giving your sanction to a loan; on the principle above stated, so far as to guaranty the payment of such sums as may be deemed adequate to the purpose of erecting the Federal buildings; or to such an amount as Congress may be satisfied is clearly within the value of the property pledged, if it shall be judged expedient either to advance money, or at this time to subject the revenues of the United States to the eventual payment of moneys in future for the above mentioned purposes; and to authorize the payment of such interest as the President of the United States may judge reasonable. Should Congress adopt the proposed measure, your memorialists have no hesitation in expressing their confidence that, not only all the buildings required by the acts aforesaid will be erected in a convenient and elegant style, and in due time, and (what is perhaps unparalleled among nations) at private expense, but that private buildings will progress in such a degree as to afford sufficient accommodation for Congress, and all their attendants, and render their situation perfectly agreeable. Your memorialists, in contemplating a measure which to them appears mutually advantageous to the city and to the United States, have considered what objections, if any, could be raised against it. They discover none: they have heard none suggested; and they cannot believe that Congress will refuse their aid to render valuable, property granted by individuals for public purposes, on the faith of Government pledged by repeated acts of the Legislature; more especially when, by giving that aid, no expense will be incurred; but, on the contrary, much property will be saved to the United States. Your memorialists therefore pray your honorable body to pass an act authorizing the President of the United States to borrow such sums as, on consideration of the premises, shall appear reasonable, to be secured on the lots ceded for the Federal City, (now called the City of Washington,) as above stated, at such rate of interest as he may judge expedient, and payable at such time or times as

he may judge proper, after the year 1800; and to guaranty to the money-lenders, that in case the property so pledged shall prove inadequate to the purpose of repayment, the United States will make good the deficiency.

GUST. SCOTT,
WILLIAM THORNTON,
ALEXANDER WHITE.

The committee to whom was referred the Message from the President of the United States, of the 8th of January instant, enclosing a memorial of the Commissioners appointed by virtue of the "Act establishing the temporary and permanent Seat of Government of the United States," report—

That, having carefully perused the memorial and documents furnished by the Commissioners, and having been attended by one of them in person, as the result of their inquiries, they beg leave to state, for the consideration of the House—

That considerable progress has been made towards fulfilling the object of the aforementioned act. The difficulties incidental to an undertaking of this nature are chiefly surmounted; though much remains to be done, yet almost every branch of the business has been commenced, and many of the materials necessary for erecting the buildings are provided. The House for the accommodation of the President is in considerable forwardness, and the foundation of the Capitol is laid, and the walls begun; wharves and bridges have also been built, and the necessary roads opened.

The funds for defraying the expense of procuring the lands and erecting the buildings necessary for the accommodation of Congress, of the President, and for the public offices, are the lands ceded to the Commissioners, as stated in the memorial, together with one hundred and twenty thousand dollars granted by the State of Virginia, and seventy-two thousand dollars by the State of Maryland. It is the opinion of the committee that these funds, if properly managed, are fully adequate to the completing of all the buildings required for the accommodation of the Government, in season, without any aid from the Treasury of the United States.

The Commissioners, soon after the laying out of the Federal City, sold six thousand of the public lots, at eighty dollars each; the purchasers stipulating to build one hundred and forty convenient large brick dwelling houses in the Federal City, before the year 1800; and the said purchasers further stipulating that all sales made by them previous to 1796 should be on condition that for every three lots so sold, one such dwelling house should be erected.

The committee are informed, that under this condition, upwards of six thousand lots have been sold.

The Commissioners have, at different periods, sold to sundry persons upwards of two hundred other lots, together with a small number of water lots, for the sum of ninety-six thousand six hun-

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dred and fifty-two dollars. The payment of the six thousand lots was to be in seven equal annual instalments.

The whole amount of donations and sale of lots is seven hundred and sixty-eight thousand six hundred and fifty-two dollars.

The Commissioners state to the committee that of this sum three hundred and seventy-four thousand two hundred and fifty dollars are already expended.

From this statement, which is apprehended to be sufficiently accurate for general purposes, it is easy to form an estimate of the resources remaining in the hands of the Commissioners. They are the money due on contracts for lots sold, being three hundred and ninety-four thousand four hundred and two dollars, payable in the present and four succeeding years, in sums nearly equal; that is about eighty thousand dollars: and the lots unsold, being four thousand six hundred and ninety-four, exclusive of the water lots, which occupy three thousand five hundred feet on the water, and extend back from sixty to an hundred feet.

It is difficult to say, with any degree of precision, what this property will realize, as much will depend on the time and manner of the sale.

It is stated by the Commissioners, that estimating these lots according to the average price of the lots sold, exclusive of the great sale of six thousand in 1793, they are worth one million three hundred and ninety-three thousand seven hundred and ninety dollars; and that, from the progress made in the public buildings, and from the improvements made and contemplated by private persons, the value of this property must rapidly increase.

The Commissioners also state, that, in their opinion, it would be unsafe to calculate on strict punctuality in the payment of the instalments as they become due from their debtors, though they assure the committee that there will eventually be no loss.

The committee have endeavored to state, as correctly as possible, the resources now in the hands of the Commissioners, that these may be compared with the objects yet to be accomplished. The principal of these are the completing of the President's house, the Capitol, at least as far as may be necessary for the accommodation of the two Houses of Congress and their officers, a building for the Judiciary, and another for the several Departments of State, of the Treasury, in all its branches, the Department of War, and the General Post Office, and such improvements in the streets as may be essentially requisite for the public convenience.

The committee have availed themselves of the best means of information which the shortness of the time they have had the subject under consideration would allow, to form an estimate of the sums necessary for these several purposes; and though certainty cannot be expected, and much must after all be left to conjecture, they apprehend they may with safety be estimated at seven

hundred thousand dollars, for completing the whole.

The committee conceive that it will be necessary to expend, until the year 1800, in completing the several objects enumerated, at least the annual sum of one hundred and forty thousand dollars.

The committee have already observed, that firm reliance cannot be placed on the punctuality of the debtors of the public. If forty thousand dollars be taken as the sum that shall be annually received from this source, there will be an annual deficiency of the sum of one hundred thousand dollars.

If this deficiency be not supplied in some way, it will result that the public buildings will not be in readiness for the reception of Congress at the time proposed.

This deficiency must be supplied by the sale of the lots belonging to the public, if no better mode can be devised.

The committee conceive that the real interest, as well as the good faith of the Government, forbid the relinquishment of the objects contemplated by the act establishing the permanent Seat of Government. It is stated by the Commissioners that this property, if sold under the most unfavorable circumstances, would still be adequate to the purpose; but, as this property may justly be considered as that of the public, it would, in the opinion of the committee, be a wanton sacrifice of the public interest, and justified only by the most urgent necessity, which the committee conceive does not exist, to raise the money wanted in this way. It is, in the opinion of the committee, the duty of Congress, founded on the truest principles of economy, to cherish these funds so as to make them productive of the greatest public utility.

But two other modes of accomplishing the objects contemplated, have presented themselves to the view of the committee, namely, that of annual advances from the Federal Treasury of the requisite sums, and that by raising the same by a loan.

If the state of the public finances would admit of it, the former would, in every point of view, be the most economical, and the most certain. The public would, in that case, derive all the advantages resulting from the rapid increase of the value of property in this infant city, and might reimburse the sums so advanced, by sales at such times, and in such manner, as would be most advantageous. But, conceiving that the existing objects of expenditure will equal, if not exceed, the revenues already provided, and that it would not be advisable to impose new taxes for this object, the committee are induced to believe, that the only mode which can with propriety be adopted at this time, for supplying the deficiency stated, will be that of a loan, secured on the city property, and negotiated under the direction of the President; and that it would conduce to the real interest of the public that the United States should guaranty the payment of the sums so bor-

Seat of Government.

rowed, in case the property pledged should prove insufficient.

The committee also conceive that it would be proper, in order that Congress may be enabled to judge of the application of the moneys so borrowed, that it be made the duty of the Commissioners, semi-annually, to render to the Secretary of the Treasury a particular account of their receipts and expenditures, and also of the progress and state of the business entrusted to their care, and the state of the funds in their hands; and that the same be laid before Congress, by the said Secretary, at every session.

The committee, therefore, recommend the following resolutions:

Resolved, That the President of the United States be authorized to borrow such sums as, in his judgment, may be necessary (not exceeding the sum of five hundred thousand dollars in the whole, and not exceeding two hundred thousand in any one year) for completing the buildings requisite for the accommodation of the Government of the United States, at the City of Wash-

ington; the said loan to be secured on the public property in the said city, and at such rate of interest as he may judge expedient, and payable at such time or times as he may judge proper, after the year 1800; and that the United States guaranty to the money-lenders, that in case the property so pledged shall prove inadequate, the United States will make good the deficiency.

Resolved, That it shall be the duty of the Commissioners appointed by virtue of the act, entitled, "An act for establishing the temporary and permanent Seat of the Government of the United States," every six months to render to the Secretary of the Treasury, a particular account of the receipts and expenditures of all moneys entrusted to them; and also the progress and state of the business, and the state of the funds in their hands; and generally an account of their administration; and that the said Secretary lay the same before Congress at the next session after the same shall be received, and that a bill or bills be brought in accordingly.

The French Loans.

[Communicated to the House of Representatives, January 19, 1796.]

A Statement showing the final liquidation of the French Loans, and their full reimbursement at the Treasury, upon the principles of the Loan opened for the Foreign Debt, under the act making further provision for the support of Public Credit, and for the redemption of the Public Debt.

Liquidation of French Loans, &c.	Livres. S. D.	Livres. S. D.	Livres. S. D.	Dolls. Cts.
Balance due to France on December 31, 1794, agreeably to the printed statement for that year, payable at different future periods, ascertained by contracts dated July 16, 1782, and February 25, 1783	- - - - -	- - - - -	12,188,040 12 2 a \$18 15	2,212,129 37
Debt due to the Farmers General of France, upon a contract made June 3, 1777, with Messrs. Franklin & Dean, as agents of the U. States' amount of the Loan	- - - - -	1,000,000 0 0		
Deduct remittances made by the late Government	- - - - -	153,229 5 7	846,770 14 5 a 18 15	153,688 89
Interest arising in the year 1795, on the instalments becoming payable by contracts after December 31, 1794, viz:				
One year's interest due September 3, 1795, on six millions, being the residue of the Loan of eighteen millions of livres, at five per cent. per annum	300,000 0 0			
One year's interest due November 4, 1795, on two millions livres, being the residue of the Loan of ten millions, at four per cent. per annum	80,000 0 0			
One year's interest due December 31, 1795, on the entire loan of six millions, at five per cent. per annum	300,000 0 0			
Interest from September 3 to December 31, 1795, on four millions five hundred thousand remaining of the Loan of eighteen millions, after paying one million five hundred thousand, the instalment of September 3, 1795	73,750 0 0			
Interest from November 4 to December 31, 1795, on one million livres remaining of the Loan of ten millions, after paying one million, the instalment of November 4, 1795	6,333 6 7	760,083 6 7		
For amount of interest relinquished, which had been charged in the account settled to December 31, 1794, upon moneys advanced by the United States on account of instalments becoming due	- - - - -	104,462 2 5		
For amount of interest on 846,770 14 5, being the balance due to the Farmers General from September 3, 1783, to December 31, 1793—ten years, three months, and twenty-eight days	- - - - -	437,262 19 10	1,301,808 8 10 a 18 15	236,278 23
			14,336,619 15 5 a \$18 15	2,602,096 49

The French Loans.

The United States have reimbursed the French Government, the full amount of the preceding, viz :

Liquidation of French Loans, &c.	Livres. S. D.	Livres. S. D.	Livres. S. D.	Dolls. Cts.
By payments made at the Treasury for the discharge of the instalments of September 3 and November 4, 1795, four hundred and fifty three thousand seven hundred and fifty dollars, at eighteen dollars and fifteen cents -	-	-	2,500,000 00 0 a \$18 15	453,750 00
By amount of supplies furnished during the late war to the Marine of France, under the agency of John Holker, Esq., Consul General, as settled at the Treasury, viz :				
Principal sum -	-	448,471 14 8		
Interest thereon, from September 3, 1783, to December 31, 1793 -	-	231,585 16 4	680,057 11 0 a 18 15	123,430 45
Subscribed to the Loan opened for the Foreign Debt, and for which certificates of Domestic Debt were issued in favor of J. Swan, Esq., agent duly authorized by the Committee of Public Safety of the National Convention.				
Certificates bearing interest at 5½ per cent. per annum, from January 1, 1796, to the amount of one million eight hundred and forty-eight thousand nine hundred dollars -	-	10,186,776 17 2		
Certificates bearing interest at 4½ per cent. per annum, from same period, one hundred and seventy-six thousand dollars -	-	969,696 19 5	* 11,156,473 16 7 a 18 15	2,024,900 00
Payment to the said agent by Treasury warrant, No. 5132, dated July 22, 1795, for sixteen dollars and four cents, being the balance due the Republic of France, on loan of money and other supplies obtained by the United States of the Government of France, during the late war -	-	-	88 7 10 a 18 15	16 04
			14,336,619 15 5 a 18 15	2,602,096 49

* This subscription is in discharge of the residuary instalments, which had not become due on the 31st of December, 1795, viz :

Three of 1,500,000 each, of the Loan of eighteen millions, at 5 per cent. per annum - 4,500,000 00 00

Six of 1,000,000 each, of the Loan of six millions, at 5 per cent. per annum - 6,000,000 00 00

10,500,000 00 00

Deduct so much paid in advance, on account of the instalment becoming due on the 3d of September, 1796 - 313,223 02 10

10,186,776 17 02

One of 1,000,000, of the Loan of one million, at 4 per cent. per annum - 1,000,000 00 00

Deduct so much paid in advance on account of the instalment becoming due the 4th of November, 1796 - 30,303 00 7

969,696 19 5

11,156,473 16 07

Statement of Exports—Estimates for 1796.

STATEMENT OF EXPORTS.

TREASURY DEPARTMENT, Jan. 25, 1796.

SIR: I have the honor to transmit, herewith, a letter from the Commissioner of the Revenue, dated the 23d instant, with the statement of the exports of the United States therein mentioned.

I have the honor to be, with perfect respect, sir, your obedient servant,

OLIVER WOLCOTT, Jr.,
Secretary of the Treasury.

The Hon. the SPEAKER
of the House of Representatives.

TREASURY DEPARTMENT,
Revenue Office, January 23, 1796.

SIR: The returns of exports being received from the several custom-houses, with a few exceptions of very small amount, you will find in this enclosure a copy of a statement thereof, exhibiting the value which has been shipped annually from every port of the United States between the 1st day of October, 1790, to the 30th day of September, 1795.

This document has been so formed as to show likewise the annual exportations from each State, and from the United States, in order to afford a more complete view of this part of our foreign commerce. None of the great and numerous interchanges of domestic and foreign commodities, which occur by water among the States, appear in this paper, nor could that part of the produce of the fisheries have any place in it, which is sold in foreign countries, without a previous importation into our ports.

In revising the custom-house returns for the years preceding the last, a few corrections and additions have been made, which occasion some inconsiderable variations from the former statements; these are, however, upon the whole, in favor of the United States.

I am, sir, with great respect, your most obedient servant,

TENCH COXE,
Commissioner of the Revenue.

The SECRETARY OF THE TREASURY.

Summary of the value of the exports from the several States for five years.

STATE.	October 1, 1790, to September 30, 1791.	October 1, 1791, to September 30, 1792.	October 1, 1792, to September 30, 1793.	October 1, 1793, to September 30, 1794.	October 1, 1794, to September 30, 1795.
New Hampshire	\$142,858 62	\$181,412 90	\$198,304 38	\$153,860 30	\$229,426 99
Massachusetts	2,519,650 52	2,888,104 48	3,756,346 99	5,232,441 20	7,117,907 28
Rhode Island	470,131 27	698,109 93	616,432 03	954,599 32	1,222,916 85
Connecticut	710,352 52	879,752 62	770,354 50	812,764 64	819,465 45
New York	2,505,465 01	2,535,790 25	2,992,370 00	5,442,183 32	10,304,580 78
New Jersey	26,987 73	23,405 71	54,178 75	58,154 28	130,314 34
Pennsylvania	3,436,092 85	3,320,662 00	6,958,836 00	6,643,092 00	11,538,260 00
Delaware	119,878 93	133,972 27	93,559 45	207,985 33	168,041 21
Maryland	2,239,690 96	2,623,808 33	3,665,055 50	5,686,190 50	5,811,379 55
Virginia	3,131,865 27	3,552,824 58	2,987,097 94	3,321,635 71	3,490,040 50
North Carolina	524,548 34	527,899 55	365,414 03	321,587 31	492,161 23
South Carolina	2,693,267 97	2,428,249 79	3,191,367 15	3,867,908 32	5,998,492 49
Georgia	491,250 86	459,105 55	520,955 42	263,831 90	695,985 77
Total	19,012,040 58	20,753,097 95	26,109,572 14	33,026,233 91	47,989,472 44

TENCH COXE,
Commissioner of the Revenue.

TREASURY DEPARTMENT,
Revenue Office, January 28, 1796.

ESTIMATES FOR 1796.

[Communicated to the House of Representatives, December 14, 1795.]

TREASURY DEPARTMENT, Dec. 14, 1795.

SIR: I have the honor to present, herewith, a report and estimates of the appropriations which appear to be necessary for the service of the year 1796, and for other purposes; also, statements in relation to the expenditure of certain sums, heretofore appropriated.

I have the honor to be, with perfect respect, sir, your most obedient servant,

OLIVER WOLCOTT, Jr.,
Secretary of the Treasury.

The Hon. the SPEAKER
of the House of Representatives.

The Secretary of the Treasury respectfully reports to the House of Representatives:

That, for the service of the year 1796, and for making good deficiencies in former grants, the following appropriations, as detailed in the estimates herewith transmitted, appear to be necessary:

For the Civil List, or the support of Government, including the incidental and contingent expenses of the several departments and offices, the sum of	\$485,971 12
For the payments of annuities and grants	3,157 73
For the support of the Mint Establishment	52,464 00

Estimates for 1796.

For the support of light-houses, beacons, buoys, and public piers,	24,000 00
For satisfying certain miscellaneous claims and expenses	33,672 09
For the Department of War, comprising the following general objects of expenditure:	
The support of the Army, including the expenses in the clothing, hospital, ordnance, Quartermaster, and Indian departments, the defensive protection of the frontiers, contingencies, and the improvement and completion of sundry fortifications	\$1,480,247
The Naval Department	73,934
The payment of military pensions	85,098

Total estimate for War Department, \$1,639,279 00

Amounting, together, to - \$2,238,543 94

In addition to the said estimates, the following sums are stated, on the presumption that laws authorizing the expenditure will be passed, during the present session of Congress:

For defraying the expenses of the intercourse of United States with foreign nations	\$40,000 00
For defraying the contingent expenses of the Government of the United States	20,000 00
For the compensation of clerks in the several Loan offices, and for books and stationery	14,000 00

Amounting to - - - \$74,000 00

The funds out of which appropriations may be made for the purposes before mentioned, are, 1st, The sum of six hundred thousand dollars of the proceeds of duties on imports and tonnage, which will accrue in the year 1796, which sum is annually reserved for the support of Government, by the act, entitled "An act making provision for the Debt of the United States;" and 2d, The surplus of revenue and income which will accrue to the end of the year 1796, after satisfying the objects for which appropriations have been heretofore made.

Subjoined to this report, is a statement, marked A, which exhibits a prospective view of the revenue and expenditure of the United States, for the ensuing year, by which it satisfactorily appears that the proceeds of the duties on imports and tonnage, and on domestic distilled spirits, and on stills, will be adequate to the discharge of the appropriations already made, including the reimbursement of the domestic stock, bearing a present interest of six per cent.; and also to the payment of the sums contained in the estimates, now presented, for the current service.

But, as a great proportion of the revenue arising from imports, is subject to long credits, the customary anticipations, by means of loans, will continue to be necessary.

In addition to the sums charged upon the revenue, arising from imports and tonnage, and domestic distilled spirits, and stills, there are other debts of the United States which will fall due in the year 1796, and for which provision is necessary.

The following are of this description:

A loan had of the Bank of New York, pursuant to an act passed on the 20th of March, 1794, for - - - \$200,000 00
 An instalment of \$800,000, had of the Bank of the United States, pursuant to the same act - - - 200,000 00

Amounting, together, to - \$400,000 00

The interest of the loans before mentioned is secured by the existing revenues, but there is no authority to reimburse the principal, except from the proceeds of the duties upon carriages for the conveyance of persons, licences for selling wines and foreign distilled spirits, snuff mills, refined sugar, and property sold at auction. The present state of these revenues does not justify a reliance that they will be sufficiently productive, in the year 1796, to admit of the reimbursement of the debts with which they are charged. The alternative which offers is, therefore, either an appropriation of other revenues, or a payment from the proceeds of new loans.

If it were certain that the exigencies of the United States would not require appropriations beyond the sums at present contemplated, and that the revenue would equal the estimates, a sum sufficient to cover any deficiency of the appropriated revenues might be safely charged upon the duties arising from imports and tonnage; but, in the actual state of uncertainty which necessarily exists, it is deemed expedient to keep in view the auxiliary resource provided by the tenth section of the act, entitled "An act making provision for the support of public credit, and for the redemption of the public debt."

The following sums will, moreover, be required, in the year 1796, for the payment of which the laws contemplate no provision, except the proceeds of certain loans, which are authorized by the act last recited:

- 1st. An instalment of one million of guilders, which will fall due in Amsterdam, on the 1st of June ensuing, to pay which, with the charges thereon, according to the course of exchange which has lately obtained, there will be necessary, the sum of - - - \$414,100 00
- 2d. An instalment of the loan of two millions, had of the Bank of the United States, for stock of said Bank, held by the United States, which instalment will fall due on the last day of the present year - 200,000 00
- 3d. An instalment of the same loan, which will fall due on the last day of December, 1796 - - - 200,000 00

Amounting to - - - \$814,100 00

Estimates for 1796.

There are other loans detailed in the annexed statement, which will also fall due to the Bank of the United States in the course of the ensuing year; but, as they are merely anticipations of the revenue, for refunding which there exist legal provisions, they are introduced to show the course of receipt and expenditure, and the extent to which future anticipations will be requisite.

The view, now presented, of the expenditure and revenue for the year 1796, authorizes the following conclusions:

1st. That, after making a liberal allowance for unforeseen demands which may require appropriations, and for deficiencies, the revenue will be adequate to the annual reimbursement of the six per cent. stock, bearing a present interest; to the payment of the interest on the foreign and domestic debt; and to the discharge of the sums estimated for the current service.

2d. That the anticipations of the revenue which may exist at the close of the present year, must be continued for the year ensuing.

And, 3d. That the instalment of the foreign debt, which will fall due on the 1st of June next, and certain instalments of domestic loans, before mentioned, must be re-loaned, or satisfied out of the proceeds of new revenues.

On this statement the Secretary takes the liberty to observe, that the act of the last session, entitled "An act making further provision for the support of public credit, and for the redemption of the public debt," contains the following provisions:

1st. A proposal for re-loaning the whole of the foreign debt, and converting the same into a funded domestic stock, transferable at the Treasury, and the respective loan offices; the principal stock to be redeemable at the pleasure of the United States, and the interest to be payable quarterly, with an additional interest of one-half per centum per annum to the rates of interest secured by former contracts.

2d. A power to the Commissioners of the Sinking Fund to borrow, with the approbation of the President of the United States, any sums requisite for the payment of any instalments, or parts of principal as the same shall become due. It is, however, provided that the interest of any loan so made, shall not exceed six per centum per annum, and that the principal shall be liable to reimbursement, at the pleasure of the United States.

Agreeably to the proposal first mentioned, the accounts subsisting between the United States and France have been finally adjusted to the satisfaction of an authorized agent of the French Republic; the instalments which fell due in the present year, have been paid at the Treasury, and the remainder of the debt has been subscribed to the proposed loan, and converted into funded domestic stock, bearing interest at five and one-half and four and one-half per centum per annum.

By this operation the debt, as due under former contracts, to the Republic of France, may be considered as discharged.

Measures have been, moreover, taken for ascertaining whether the residue of the foreign debt,

due in Amsterdam and Antwerp, could be re-loaned with the consent of the creditors. The experiment cannot yet be considered as fully made; but the prospect of success is not encouraging. The objections against a mutation of the contracts in the manner proposed; which have been stated, are, generally, 1st. That the proposed new stock will be redeemable at the pleasure of the United States, by which condition the Government will possess the power of reducing the rate of interest, or refunding the capital at periods when the reimbursement may be difficult, or disadvantageous to the creditors. 2d. That the proposed addition of one-half per centum per annum to the rates of interest, does not afford an equivalent for the expenses of agency, loss upon the exchange, and the risk of remittances from America. And, 3d. That the facilities which attend the negotiation of bonds payable to bearer, over funds which can only be transferred at the Treasury or loan offices in the United States, render the obligations of foreign debt, in their present form, particularly eligible for foreign creditors.

It is not yet ascertained that these objections will be conclusive in the minds of the creditors against the proposed re-loan, and circumstances are not unlikely to happen which may, in some degree, abate their force. Nevertheless, as the object of converting the foreign debt into domestic stock is of real importance to the United States; as unprecedented difficulties attend remittances at present; as similar difficulties will always exist, in a greater or less degree, in time of war; and as, in proportion to their operation, they must endanger the public credit; the Secretary respectfully submits it to the House of Representatives to consider and determine whether some modification of the existing proposal be not expedient.

Considering the actual state of Holland, and the restrictions upon our intercourse with that country, it was deemed for the interest of the United States to propose a postponement of the instalment which fell due in the present year. It has, however, been conclusively ascertained that no additional loans can be obtained in Holland; of course, that the United States must be provided to make the reimbursements stipulated in their contracts.

The measures adopted by this Department to effect a reimbursement, were seasonable, and such as promised to be effectual; but, owing solely to the war, and the stagnation of credit occasioned by the Revolution, the instalment which fell due on the first of June, had not been paid at the date of the last advices in August.

The causes of the delay were, however, well understood by the creditors; and as they neither originated with, nor could be controlled by, the United States, and as the interest has been paid, the public credit has as yet suffered no blemish.

It being rendered certain that funds to meet the instalments of the foreign debt, now annually falling due, must be remitted from the United States, measures have been taken for ascertaining whe-

Estimates for 1796.

ther the powers vested by law in the Commissioners of the Sinking Fund, contain an adequate resource. As before mentioned, these powers limit the rate of interest upon any loan to six per centum per annum, and, moreover, provide that the capitals borrowed shall be redeemable at the option of the Government.

Though the rate of six per centum per annum may be justly considered as a liberal compensation for the use of money, in ordinary times, yet, at the present moment, when the demand for American funds are greatly limited by the operation of the war in Europe, and when a variety of new objects are presented for the profitable employment of capital in this country, it is found that the redeemable quality of the stock which the Commissioners of the Sinking Fund are authorized to constitute, will so far derogate from its value as to defeat the intention of the law.

The Secretary is confident that the House of Representatives will appreciate fully all the arguments in favor of an augmentation of the revenue, for the purpose of reimbursing the foreign debt; and he, therefore, omits to make any comments on the statement of facts now presented. But, it is his duty to observe, that, if it shall be determined to confine the reimbursement of the public debt to the scale now established by law, it will be necessary to enlarge the powers granted to the Commissioners of the Sinking Fund, in such

manner as that there may exist a certainty of obtaining the necessary funds, with that strict punctuality which it is necessary to observe in whatever relates to the delicate concerns of public credit.

The annexed statement, marked B, exhibits a summary view of the receipts and expenditures at the Treasury, from the 1st of January to the 30th of September, 1795; and those marked C and D show, in detail, the expenditure of two sums granted by an act of Congress, passed on the 2d of January, 1795, for discharging such demands on the United States, not otherwise provided for, as should be ascertained and admitted at the Treasury, and of a nature, according to the usages thereof, to require payment in specie.

The prolonged time for receiving on loan the unfunded Domestic Debt of the United States will expire on the last day of the present year; this debt, including what remains to be liquidated, computed according to the principles which have governed former estimates, amounted, on the 30th of September, 1795, to \$1,382,837 37, for which some provision will be necessary.

All which is humbly submitted.

OLIVER WOLCOTT, Jr.,
Secretary of the Treasury.

TREASURY DEPARTMENT,
December 14, 1795.

A.—An Estimate of the Expenditures and Revenue of the United States, for the year 1796.

ESTIMATED EXPENDITURES FOR THE YEAR 1796, viz:

For the Interest on the Foreign Debt.

One year's interest on 29,500,000 guilders, being the debt due in Amsterdam and Antwerp, supposing the instalment for 1795 to have been paid, calculated according to the different contracts, bearing interest at four, four and one-half, and five per centum per annum, is, guilders - \$1,385,250 00
Commissions to the bankers for making the payments, at one per centum - 13,852 10

Guilders - - - - - \$1,399,102 10

Which sum of guilders, 1,399,102 10, calculated at 40 cents per guilder, is equal to \$559,641 00

But, supposing the exchange to be at 41 cents per guilder, which is likely to be the case, there will be necessary, to effect remittances, the further sum of 13,991 02

\$573,632 02

For the interest on the Domestic Debt, including the annuity necessary for redeeming the six per cent. stock, bearing a present interest, viz:

Interest and redeeming annuity, for one year, on the six per cent. stock, subscribed on the 30th September, 1795, calculated on the principle of the act of March 3, 1795, supposing no part of the balances due to certain States, to be subject to reimbursement - 2,274,624 13

But, supposing the balances due to certain States to be transferred, agreeably to the act authorizing transfers thereof, an additional annuity, to redeem the same, will be necessary, amounting to 46,901 12

2,321,525 25

For the interest on the three per cent. stock, subscribed on the 30th of September, 1795, calculated for one year - - - - - 587,097 28

Estimates for 1796.

For interest on the stock bearing interest at $5\frac{1}{2}$ per cent., created by a subscription of a part of the debt lately due to France, calculated for one year	\$101,689 50
Interest on the stock bearing interest at $4\frac{1}{2}$ per centum per annum, created by a subscription of the residue of the debt lately due to France, calculated for one year	7,920 00
Estimated amount of one year's interest on the whole unfunded debt, receivable on loan till the close of the present year, calculated upon the principles which have governed former appropriations	71,029 44

Estimated expenditures for the year 1796, agreeably to the documents herewith transmitted, viz :

For the Civil List	\$485,971 12
For the payment of annuities and grants	3,157 73
For the Mint Establishment	52,464 00
For the Military Department	1,480,247 00
For the Naval Department	73,934 00
For the payment of military pensions	85,098 00
For the support of light-houses	24,000 00
For the payment of miscellaneous claims	33,672 09
	<u>2,238,543 94</u>

But, in addition to the said estimates, the following sums are stated, on the presumption that laws authorizing the expenditure will be passed, viz :

For defraying the expenses of the intercourse of the United States with foreign nations	40,000 00
For the contingent expenses of Government	20,000 00
For the compensation of clerks in the several Loan Offices, and for books and stationery	14,000 00
	<u>74,000 00</u>

Interest on Domestic Loans, for the payment of which provision has been made by law, viz :

On \$1,400,000 of the loan of \$2,000,000 had of the Bank of the United States, for stock of said Bank, held by the United States, at six per cent., payable out of the dividends in favor of the United States	84,000 00
On \$3,300,000 borrowed of the Bank of the United States, pursuant to several laws authorizing anticipations of the revenue on imports and tonnage, and on distilled spirits and stills, to the close of 1795, and remaining uncollected, calculated according to existing contracts, at five per cent. and six per cent. per annum	175,000 00
On \$1,000,000 borrowed on the credit of, and to be refunded from, the product of the duties on carriages, licenses for selling spirits and wines, snuff mills, refined sugar, and sales at auction, the interest of which is secured by the revenues arising from imports and tonnage, and on distilled spirits and stills, of which \$200,000 was borrowed at five per cent., and the remainder at six per cent.	58,000 00
In addition to the loans above mentioned, a further sum of \$500,000 will be necessary at the close of the present year, the interest of which is calculated at six per cent.	30,000 00
	<u>347,000 00</u>

For the reimbursement of Domestic Loans, payable out of the revenue on imports and tonnage, &c., viz :

Instalment of a loan of \$400,000, had of the Bank of the United States, pursuant to an act passed on the 2d of May, 1792, entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned"	300,000 00
Instalment of a loan had of the Bank of the United States, pursuant to the act passed on the 18th day of December, 1794, entitled "An act authorizing a loan of two millions of dollars"	2,000,000 00
Instalment of loans had of the Bank of the United States, pursuant to the act entitled "An act making further provision for the Military and Naval Establishments, and for the support of Government," passed on the 3d of March, 1795	1,000,000 00
	<u>3,300,000 00</u>

Estimates for 1796.

For the reimbursement of Domestic Loans, the payment of which is charged by law upon the proceeds of the revenue from duties upon carriages, licenses for selling di-tilled spirits and wines, upon snuff mills and refined sugar, and upon sales at auction, viz :

A loan had of the Bank of New York, pursuant to an act passed on the 20th of March, 1794, making provision for the expenses attending the intercourse of the United States with foreign nations -
Instalment of a loan of \$800,000 had of the Bank of the United States, for the same purpose

\$200,000 00	
200,000 00	
	\$400,000 00

For the reimbursement of Loans, foreign and domestic, payable out of the proceeds of loans authorized by law to be made on the credit of the United States, viz :

Instalment of one million of guilders which will become due in Amsterdam on the 1st of June, 1796, pursuant to a contract dated June 11, 1782, calculated at 40 cents

400,000 00

Commissions thereon, at one per cent.

4,000 00

Expenses of remitting the above sum, in case the exchange shall be at the rate of 41 cents per guilder

10,100 00

Instalment of two millions had of the Bank of the United States, for stock of said Bank, which will fall due on the last day of December, 1795

200,000 00

Instalment of the said loan, which will fall due on the last day of December, 1796

200,000 00

814,100 00

10,836,537 43

Balance, reserved in this estimate, to cover any deficiencies in the product of the revenue, and to satisfy any unforeseen demands which may require appropriations

420,883 94

\$11,257,421 37

RECEIPTS.

From duties on Imports and Tonnage

The actual receipts from the duties on imports and tonnage, during the three first quarters of the year 1795, as credited by the Treasurer, amounted to

4,234,046 26

The product of the fourth quarter of 1795, may be estimated at

1,445,372 32

\$5,679,418 58

Which sums may be safely estimated as the probable product of the revenue from imports and tonnage, in the year 1796.

From Internal Revenues

The duties on domestic distilled spirits have been estimated in former years, at

400,000 00

The duties on snuff mills, refined sugar, sales at auction, licenses to retail spirits and wines, and on carriages, have also been calculated at

380,000 00

780,000 00

Though these revenues have never produced in the Treasury the sums at which they have been estimated, yet, as the deficiency has been produced by causes which have prevented a regular and punctual collection, and which may be obviated by more efficient measures, the former estimate is continued.

From the postage of letters, founded on an estimate of the Postmaster General

35,000 00

From fees on letters patent, estimated at

660 00

From dividends on stock of the Bank of the United States

160,000 00

From the proceeds of the Sinking Fund, calculated on the stock actually purchased, and redeemed on the 30th of September, 1795, appropriated to the redemption of the six per cent. stock

88,242 79

Estimates for 1796.

The principal of the Foreign Debt and of Domestic Loans, which will fall due before the year 1797, is estimated at \$4,514,100, which sum may be continued on loan, in the following manner, viz:

From the proceeds of a loan to be negotiated in the year 1796, pursuant to the first section of the act, entitled "An act making further provision for the support of the Public Credit, and for the redemption of the Public Debt," to be applied to the purpose therein mentioned	-	-	\$1,000,000 00
From the proceeds of a loan to be negotiated in the year 1796, pursuant to the tenth section of the last recited act, to be applied as follows, viz:			
To the payment of the instalment of the Foreign Debt, which will fall due in 1796		\$414,100 00	
To the payment of two instalments of the loan of two millions, had of the Bank of the United States, for stock		400,000 00	
To the payment of the instalments due on the loans obtained for defraying the expenses of foreign intercourse, in case the appropriated revenues should not prove sufficiently productive during the year 1796, not exceeding, however, the sum of		400,000 00	
			1,214,100 00
To be applied to the discharge of such sums as shall be appropriated for the current service, the said loan to be reimbursed out of the proceeds of any revenues of the United States, not otherwise appropriated, which shall accrue during the year 1796, not exceeding			2,300,000 00
			<u>\$11,257,421 37</u>

OLIVER WOLCOTT, Jr., *Secretary of the Treasury.*

TREASURY DEPARTMENT, December 14, 1795.

B.—Account of Receipts and Expenditures of the United States, commencing on the 1st day of January; and ending on the 30th September, 1795.

FOR AMOUNT OF EXPENDITURES DURING SAID PERIOD, UNDER THE FOLLOWING HEADS, viz:

Civil Department	-	-	-	-	-	\$286,958 29
Military Department	-	-	-	-	-	2,059,636 34
Naval Department	-	-	-	-	-	302,940 00
Fortifications of ports and harbors	-	-	-	-	-	65,168 46
Military pensions	-	-	-	-	-	67,637 22
Annuities and grants	-	-	-	-	-	2,530 20
<i>Temporary Domestic Loans, viz:</i>						
January 1. For the two last instalments due to the Bank of the United States, on a loan of one million of dollars, obtained of the President, Directors, & Co. of said Bank, on the 27th of March, 1794, per act of 20th of March, 1794					\$400,000 00	
April 1. In full of the loan of one million of dollars obtained of the said Bank the 27th of August, 1794, per act of 9th June, 1794					1,000,000 00	
						1,400,000 00
Interest on Domestic Loans	-	-	-	-	-	221,099 99
Diplomatic Department	-	-	-	-	-	15,005 00
Extra expenses of do.	-	-	-	-	-	897,680 12
Appropriation for paying the third instalment of the loan of two millions of dollars	-	-	-	-	-	200,000 00
Debts contracted by Timothy Pickering	-	-	-	-	-	61 59
Interest on the Domestic Debt	-	-	-	-	-	1,782,084 38
Support and erection of light-houses	-	-	-	-	-	13,969 10
Contingent expenses of Government	-	-	-	-	-	9,983 98
French Debt	-	-	-	-	-	272,266 04
Dutch Debt	-	-	-	-	-	675,373 33
Debt due to foreign officers	-	-	-	-	-	5,866 32
Mint Establishment	-	-	-	-	-	13,000 00

Estimates for 1796.

Miscellaneous expenses -		\$32,874 80
Balance in Treasurer's hands on the 26th September, 1795	\$447,271 91	
From which deduct warrants remaining unpaid on that day, which are charged as expenditures in this statement	77,445 62	
The balance subject to warrants, on the 1st October, 1795, therefore, was		369,626 29
		<u>\$8,693,961 45</u>

RECEIPTS.

By balance in the hands of the Treasurer on the 31st December, 1794	\$1,151,924 17	
Deduct warrants drawn on him previous to the 1st of January, 1795, which remained unpaid that day	3,776 62	
Balance subject to warrants, January 1, 1795 -		\$1,148,147 55

Moneys received into the Treasury, as follows :

For duties on merchandise and tonnage :		
In the quarter ending the 31st March -	1,224,449 28	
Do. do. 30th June -	1,623,930 84	
Do. do. 30th September -	1,385,666 14	
		4,234,046 26

Duties on Spirits distilled in the United States.

In the quarter ending the 31st March -	59,237 52	
Do. do. 30th June -	91,164 04	
Do. do. 30th September -	59,614 62	
		210,016 18

Postage of Letters.

In the quarter ending the 31st March -	7,000 00	
Do. do. 30th June -	5,000 00	
Do. do. 30th September -	10,400 00	
		22,400 00

Dividends on capital stock in the Bank of the United States.

Due 31st December, 1794	80,000 00	
Due 30th June, 1795 -	80,000 00	
		160,000 00

Fees on Letters Patent.

In the quarter ending the 31st March -	150 00	
Do. do. 30th June -	270 00	
Do. do. 30th September -	90 00	
		510 00

For Domestic Loans.

In the quarter ending the 31st March, 1795, per act of March 20, 1794, and February 21, 1795	800,000 00	
In the quarter ending 30th June, viz :		
On account of the loan of two millions, per act of 18th December, 1794	1,000,000 00	
On the loan of five hundred thousand, per act of the 3d March, 1795 -	500,000 00	
	1,500,000 00	
In the quarter ending 30th September, 1795, on the loan of five hundred thousand, per act of 3d of March, 1795	500,000 00	
		2,800,000 00

For Bills of Exchange.

Amount of a bill of exchange, drawn by Samuel Meredith on W. and J. Willink, and J. Van Staphorst and Hubbard, of Amsterdam, the 2d June, 1794, for 60,449 8-20 guilders, for the purpose of satisfying a grant to Major General Lafayette, per act of 27th March, 1794 -	24,424 00	
Amount of a bill drawn as above, the 28th June, 1794, in favor of Thomas Pinckney, Esq., for 180,000 guilders, for the purpose of purchasing certain articles for the frigates	72,000 00	
		96,424 00

*Estimates for 1796.**Repayments, viz :*

In the quarter ending the 31st March—

From Colonel Francis Nichols, balance of moneys advanced him as agent for superintending the supply and accommodation of the Pennsylvania division of the militia army, on their return from Lancaster - - - - - \$1,224 97

From S. A. Otis, balance of moneys advanced him for paying the compensations due to the Senators of the United States - - - - - 1,545 20

\$2,770 17

In the quarter ending 30th June—

From Frederick A. Muhlenberg, Speaker of the House of Representatives, being the balance remaining in his hands, of moneys advanced him for payment of compensations due to the members of said House - - - - - 5,983 73

From Ebenezer Stevens, balance of moneys advanced him for the purpose of erecting fortifications at New York - - - - - 111 63

6,095 36

In the quarter ending 30th September—

From Eli Williams, on account of a balance remaining in his hands, of moneys advanced him to procure provisions for the militia lately called into service - - - - - 10,000 00

\$18,865 53

For balances due the United States under the late Government.

In the quarter ending the 31st March—

From Daniel Heister, jr., balance due him on settlement of his account for green hides - - - - - 97 33

In the quarter ending the 30th June—

From Furman and Hunt, balance of their account for transportation of troops, &c., in the year 1776 - - - - - \$5 94

From James Lovell, receiver of Continental taxes for the State of Massachusetts, in part of a balance due by him - - - - - 233 75

996 23

In the quarter ending the 30th of September—

From Robert Townsend Hoe, the proceeds of four hogsheads of damaged tobacco, received by John Hopkins - - - - - 37 44

From Edward Carrington, late Deputy Quartermaster General, amount of sundry payments made to Thomas Packer, Attorney of the United States, by persons in discharge of their bonds, given for public property sold by him - - - - - 1,846 85

From Edward Carrington, being a balance received by him as Deputy Quartermaster General, from the estate of George Webb, late receiver of taxes for Virginia - - - - - 1,330 62

3,214 91

3,551 91

\$8,693,961 45

JOSEPH NOURSE, *Register.*

· TREASURY DEPARTMENT, REGISTER'S OFFICE, November 4, 1795.

Public Debt.

PUBLIC DEBT.

[Communicated to the House of Representatives, January 4, and February 3, 1796.]

TREASURY DEPARTMENT, Dec. 31, 1795.

SIR: Agreeably to what was proposed by the committee of the House of Representatives at the conference with them on the 26th instant, I have now the honor to present a statement of the debts of the United States, with a view of the sums which will be annually requisite for discharging them.

1st. Of the debts due in Amsterdam and Antwerp, for loans obtained under the late and present Governments.

The amount of these loans, exclusive of certain premiums with which one of them is charged, amounted, on the 1st of January, 1795, to thirty millions and five hundred thousand guilders, equal, at the exchange of forty cents per guilder, to \$12,200,000.

The annexed statement, marked A, shows, in detail, the several loans which constitute this description of debt, the rates of interest payable thereon, and the sums which, according to existing contracts, are reimbursable in each year. It is to be observed, however, that the sums stated in dollars are calculated at par, or forty cents per guilder; the sums which may be really necessary to effect reimbursements cannot be ascertained, and will vary, from time to time, according to the course of exchange.

2d. Of the Domestic Funded Debt, bearing a present interest of six per centum per annum.

This debt, on the 31st of December, 1794, amounted to \$29,046,730 62, but by subscriptions under the supplementary funding act, passed on the 28th of January, 1795, it had increased, on the 30th of September, 1795, to \$29,310,856 86.

In this last capital is included the sum of \$1,167,164 58, which has been purchased or redeemed; the interest of which is vested in the Commissioners of the Sinking Fund; also the stock created by funding the balances due to certain States, in consequence of the report of the late Board of Commissioners in their favor; which balances originally amounted to \$2,345,056.

By the act of the last session, providing for the redemption of the Public Debt, the Commissioners of the Sinking Fund are instructed to commence the reimbursement of the six per cent. stock, bearing a present interest on the first of January ensuing, and to continue the same annually, until the said stock is fully redeemed. The sum placed to the credit of the Sinking Fund, and the balances standing to the credit of certain States, in consequence of the report of the Commissioners in their favor, are, however, excepted by the law from reimbursement.

The annexed statement, marked B, shows the annuity necessary to complete the payment of the stock subscribed on the 30th of September; other subscriptions, though not to any great amount, have been, and will continue to be made until the close of the present year.

The interest and redeeming annuity, exclusive of the sum funded in favor of certain States, will require - - - - - \$2,274,624 13

But to reimburse the said balances to States, there would be necessary the further sum of - - - 46,901 12

Amounting to - - - 2,321,525 25

It is proper, however, to observe that, by a law passed on the 2d of January, 1795, the balances due to States are, on certain conditions, not now controllable by the United States, subject to be transferred at any time before the 2d of January, 1797, and that said balances, when so transferred, are subject to reimbursement.

As the redeeming annuity is therefore unsusceptible of calculation at present, and may, with the interest, amount to \$2,321,525 25, this last sum is assumed, in the general statement which is annexed, as the annual charge upon the revenue.

The annuity will be necessary for the object before stated until the end of the year 1817. During the year 1818, it will decline to \$1,862,501 63, and will then be liberated by the extinguishment of the debt.

3d. Of the Funded Domestic Debt, bearing interest of six per centum per annum, after the year 1800.

This debt, on the 31st of December, 1794, amounted to \$14,523,365 45; but on the 30th of September, 1795, it had increased by additional subscriptions to \$14,561,934 41.

In the capital last mentioned is included the sum of \$929,220 14, which has been placed to the credit of the Sinking Fund, and a sum of \$1,172,528, arising from balances due to certain States, in consequence of the report of the late Board of Commissioners in their favor.

The interest on this debt will commence on the 1st of January, 1801; the first reimbursement of principal is to be made on the 1st of January, 1802; the credit to the Sinking Fund, and the balances due to certain States, which may remain untransferred, are not subject to reimbursement.

The interest and redeeming annuity, exclusive of the balances originally funded in favor of certain States, will require - - - \$1,122,919 78

And to redeem the balances originally credited to certain States, the further annuity of - - - 23,450 56

Amounting to - - - 1,146,370 34

It being very uncertain whether any part of the balances due to States will remain untransferred till the year 1802, and there being important reasons in favor of a reimbursement of the whole debt on uniform principles, the sum last stated is assumed as what will probably be the annual charge upon the revenue.

This annuity will continue from the year 1801

Public Debt.

to the year 1823; during the year 1824, it will fall to \$924,020 76, and will then be liberated.

4th. Of the Domestic Funded Debt, bearing interest at three per centum per annum.

This debt, on the last day of December, 1794, was \$19,484,840 68; on the 30th of September, 1795, it had increased by new loans to \$19,569,909 63.

The sum purchased or redeemed, and passed to the credit of the Sinking Fund, was \$607,097 27.

Notwithstanding this debt is redeemable at the pleasure of the United States, and though funds are, by the act of March 3d, 1795, eventually destined for that purpose, yet, as the appropriation is conditional and revokable by Congress, nothing more is stated as a charge upon the revenue than the annual interest, being \$587,097 28.

5th. Of the Domestic Funded Debt, bearing interest at five and one-half per centum per annum.

This debt has lately been created by a subscription at the Treasury of that part of the loans obtained from France during the late war, which remained unpaid, and which bore interest at five per centum per annum, and amounts to \$1,848,900.

This species of debt is liable to be increased by subscriptions of the debt due in Holland, bearing five per cent. interest; but any increase will operate as an equivalent reduction of the foreign debt; the interest is payable quarter-yearly, from and after the 1st of January, 1796; the annual sum requisite for this object is \$101,689 50.

6th. Of the Domestic Funded Debt, bearing interest at four-and-a-half per centum per annum.

This, like the debt last mentioned, has been produced by a subscription of a part of the sum due to France, and arises from the loans which bore an interest of four per centum; the amount is \$176,000.

To discharge the interest, there will be required annually the sum of \$7,920.

7th. Of the Unfunded Debt, contracted during the late war.

This debt is composed of Loan Office and final settlement certificates, indents of interest, certificates of the Register of the Treasury, credits on the public books, and unliquidated claims. The amounts cannot be precisely ascertained, but, on the principles of former estimates, which cannot be materially erroneous, the principal is stated at - - - -

And the arrearages of interest, prior to 1791, at - - - -

\$984,811 09

398,026 28

Amounting to - - - 1,382,837 37

Agreeably to the contracts expressed in the certificates of Unfunded Debt, the principals bear an interest of six per centum per annum; the arrearages of interest, prior to the year 1791, on being subscribed to the loan opened for the Domestic Debt, become three per cent. stock.

As yet, however, the acts of Congress have con-

tained no provision for the payment of interest on this debt, except on that part which has been registered at the Treasury, and then only for a payment on account of interest, equivalent to what would be payable in consequence of a subscription to the loan.

On the principles which have governed former appropriations, there would be necessary, until and including the year 1800, the sum of \$51,333 22, and after the year 1800, the sum of \$71,029 44.

As, however, the amount of the Unfunded Debt is uncertain, and as no principles of the reimbursement thereof have been established, the sum last stated is assumed as the annual charge proper to be estimated for this object.

8th. Of the Domestic Loans, obtained under the authority of the present Government.

The annexed statement, marked C, shows, in detail, the several loans which had been obtained on the 30th of September, 1795, amounting to \$5,700,000. A further sum of \$500,000 will be obtained at the close of the present year, which will increase this description of debt to \$6,200,000.

In this sum is included \$1,400,000, being the amount of instalments which remain unpaid of two millions had of the Bank of the United States, for an equal sum of the capital stock of the said bank; according to contract, this loan bears an interest of six per centum per annum, and is reimbursable in instalments of \$200,000 at the close of the years, from 1795 to 1801, inclusive.

There is also included in the aggregate amount before stated, the sum of \$1,000,000, borrowed of the Bank of the United States and the Bank of New York, for expenses incident to the intercourse of the United States with foreign nations; \$400,000 of this loan will fall due in the year 1796, and the remainder at the close of the years 1797, 1798, and 1799, in equal instalments of \$200,000 each.

The other loans, with that to be made at the close of the present year, will require provision in the course of 1796.

It being evident that these loans, especially those which will fall due in the course of the ensuing year, must be continued by new contracts, the annual interest only is introduced into the general statement which is annexed; this interest, for reasons which will be developed in a subsequent part of this communication, is calculated at six per centum, or \$372,000.

The several sums before stated have been brought into an aggregate view in the annexed table, marked D, the last column of which exhibits the sums which are estimated as being necessary to be provided in addition to the ordinary expenses of Government.

If a revenue adequate to the payment of the sums included in this estimate were to be established, the following reductions of the Public Debt might be effected:

At the close of the year 1809, the whole Foreign Debt, amounting to \$12,200,000, would be discharged, and an annuity of \$573,632 02, now required for the payment of interest, would revert to the public.

Public Debt.

At the close of the year 1818, the Funded Domestic Debt, bearing a present interest of six per cent., would be discharged. This debt amounts to \$29,310,856 86, the annuity then liberated would be \$2,321,525 25.

At the close of the year 1824, the funded six per cent. stock, bearing a future interest, amounting to \$14,561,934 41, would also be reimbursed, when a further annuity of \$1,146,370 34 would be liberated.

The act of the last session provides fully for the fulfilment of the two last mentioned objects, by an absolute appropriation of revenue.

After the reimbursement before mentioned, there would still remain the following sums of the existing debt:

The stock bearing 3 per cent. interest, being	\$19,569,909 63
The stock bearing 5½ per cent. interest	1,848,900 00
The stock bearing 4½ per cent. interest	176,000 00
The capital of the present Unfunded Debt, with the arrearages of interest prior to 1791, estimated	1,382,837 37
And the capital existing in loans of the Bank of the United States and the Bank of New York	6,200,000 00
Amounting, in the whole, to	29,177,647 00

But if a revenue were to be established equal to what will be requisite to satisfy the public engagements upon the scale of expenditure which will be necessary in the year 1801, the whole of the Public Debt might be extinguished, by payment or purchase, at or before the close of the year 1824, as also a very considerable additional debt, if any such should arise, out of future contingencies.

This view of the public engagements will, it is presumed, demonstrate to the committee that, in the arrangements which have been hitherto made, an attention has not been wanting to secure a right of reimbursing the debt, fully, if not more than equal, to what the United States can exercise, and that the unforeseen events which have lately happened in Europe render it necessary to combine some efficacious plan for obtaining loans, with any augmentation of the revenue which it may now be judged expedient to establish.

After a full consideration of different expedients, it has appeared to me most eligible to propose a commutation of the whole debt due to the Bank of the United States into a funded domestic stock, bearing interest at six per centum per annum, transferable at the Treasury and Loan Offices, respectively, and irredeemable for such a period as will invite purchases at par.

Considering the great capitals which will soon be demandable, or which are in train of reimbursement in consequence of the act of the last session, it is evident that, if the proposed new stock were to be declared irredeemable for a period of twenty or twenty-five years, still the purchase or redemption of the remaining debt would be suffi-

cient for the employment of any revenues which can readily be acquired. It will also appear, from the table marked D, that such an arrangement would leave it in the power of the United States to reimburse the proposed new stock at a favorable period, by the application of revenue which will then be liberated, in consequence of the final reimbursement of the six per cent. stock, bearing a present interest.

The utility of the proposed measure can, I presume, receive but little illustration beyond that afforded by a naked exhibition of the public engagements.

It is, indeed, very probable that the final payment of the Public Debt, instead of being postponed by any existing stipulations which forbid reimbursements, will, in fact, be rendered additionally burdensome, if it be not somewhat retarded by those conditions which require repayments at fixed periods.

The difficulties which are now experienced in respect to the Foreign Debt effectually demonstrate the impolicy of unnecessarily contracting engagements which cannot be satisfied directly from the proceeds of the revenue. At no time will those who negotiate loans for the public be able to calculate the value of money or the probability of an increase or reduction of the rate of interest, with greater precision than those who lend. At all times must the borrower be exposed to certain expenses, risks, and embarrassments, for which no equivalent can be obtained.

Among the reasons which recommend a commutation of the temporary debt due to the Bank of the United States, the following deserve notice:

1st. That this debt was contracted for the very beneficial consideration of an equal sum of the capital stock of that institution, or, it consists of sums advanced for the public service in anticipation of the revenue. In these respects, the debts due to the bank may be fairly considered as first in merit and importance.

2d. That the proposed commutation will enable the bank to grant such further loans as the public exigencies may require, without exposing the United States to certain expenses which are always incident to loans had of individuals.

3d. That, through the agency of the bank, sales of stock can be made to the best possible advantage, and the benefit of any premium which can be obtained be secured to the United States.

This last consideration is of much importance; for, though the proposed stock might not, in the present moment of commercial enterprise, command a premium, yet there can be but little doubt that it would bear a price considerably above par at no distant period. While, therefore, any present exigencies would be supplied on the most favorable terms, a certainty would remain that the real value of the stock would accrue to the public. I have the honor to be, &c.,

OLIVER WOLCOTT, Jr.,
Secretary of the Treasury.

To the Hon. WILLIAM SMITH, Esq.

[The tables, being merely details, are omitted.]

Public Debt.

[Presented to the House of Representatives, February 3, 1796.]

TREASURY DEPARTMENT, *Jan. 26, 1796.*

SIR: The object of this communication is to represent to the Committee of Ways and Means that certain additional provisions appear to be advisable, in order to a due execution of the act, passed during the last session of Congress, entitled "An act making further provision for the support of Public Credit; and for the redemption of the Public Debt."

The eleventh section of the recited act directs, that the Commissioners of the Sinking Fund shall cause to be paid, yearly, such sums as, according to the right for that purpose reserved, may rightfully be paid for and towards the reimbursement or redemption of the debt or stock, bearing or to bear an interest of six per centum per annum.

In respect to the stock bearing a present interest, it was directed that the reimbursement should commence on the first day of January, 1796. Upon the stock which will bear interest after the year 1800, the reimbursement is to continue on the first day of January, 1802.

The sum which may rightfully be paid in one year, is eight per centum per annum upon the original capital, debt, or stock.

As the injunctions of the law upon the Commissioners of the Sinking Fund are unconditional, and as permanent funds have been vested and appropriated, it is conceived that a successive reimbursement annually of the debts before mentioned, has become an irrevocable stipulation with the creditors. The stock bearing a present interest has, therefore, by the act of the last session, been converted from an annuity of six per centum per annum, for an indefinite period, into an annuity of eight per centum per annum, for a period of somewhat less than twenty-four years, commencing with the year 1795.

The stock upon which interest was to commence in 1801, is a like annuity from that period.

But a stipulation in the fourth section of the act, entitled "An act making provision for the debt of the United States," requires a quarter yearly payment of interest, and this stipulation remains in force; a distribution of the annuity of eight per centum per annum into four quarter yearly dividends, is therefore necessary to satisfy the contract with the creditors.

If the dividends on the last days of March, June, and September, in each year, were to be confined to a simple payment of interest upon the unredeemed capital, the contract would be strictly satisfied; the fourth quarterly dividend, or that to be made on the last day of December annually, might, in this case, be calculated at such a rate as would complete the sum of eight per centum for each entire year; this appears to have been the design of the law in contemplating a distinction between the payments on account of principal and those on account of interest.

The effect of such a distribution of the annuity of eight per centum is exhibited in the annexed table, which shows the dividends of interest for the first three quarters of a year, in a decreasing

ratio, proportioned to the reduction of capital by reimbursement; while the dividends to be made at the end of the year, for principal and interest, are represented as increasing by the amount of liberated interest; the dividends for the entire year being uniformly eight per centum upon the original capital.

Upon this statement, it may be observed, that it has been the established practice at the Treasury and Loan Offices to suspend all transfers for fourteen days preceding the expiration of each quarter; that time being found by experience to be indispensably necessary for the purposes of balancing the books, and calculating the dividends upon the stock held by individual creditors: a view of the annexed table will, however, prove that the labor of stating the dividends must be immensely increased, if a distinction between the payments on account of interest and those on account of principal is to be preserved. But the trouble and expense which would be created in the public offices would not be the only or greatest inconvenience. Such a system of reimbursement would, after a few years, render it necessary to accumulate in the Treasury, and suspend from circulation very considerable sums; the effects of such an accumulation might be inconvenient to commerce, and could not be materially advantageous to the public. As the rates of the dividends would vary from year to year, the true value of the stock could only be ascertained by intricate calculations, to which many of the creditors would be incompetent. Moreover, the rates of the dividends for interest for several of the last years, would, upon small sums, be too inconsiderable to induce the creditors to a cheerful compliance with certain forms which have been established with reference to the public security, and the responsibility of the public officers. This last objection is very important; as every degree of loss and vexation to the creditors would not fail to produce a corresponding injury to the public credit.

Notwithstanding it is believed that the powers granted by the seventeenth section of the act of the last session might be justifiably construed in such a manner as would obviate some, if not all the inconveniences which have been stated, yet, in a matter of importance like the present, the decision of the Legislature is desirable. It is, therefore, proposed that the rates of the quarterly dividends, until the final reimbursement of the six per cent. stock, bearing interest at present, and after the year 1800, be now declared and established by law.

Two propositions are submitted for consideration: 1st. That, in respect to the stock bearing a present interest, it be declared, that there shall be dividends made on the last days of March, June, and September, from the present year to the year 1818, inclusive, at the rate of one and one-half per centum upon the original capital; that there be dividends made on the 1st days of December, from the present year to the year 1817 inclusive, at the rate of three and one-half per centum upon the original capital, and that a dividend be made, on the last day of December, in

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the year 1818, of one dollar eighty-six cents and nine mills per centum, upon the original capital, in full of said stock.

Or, 2d. That, in respect to said stock, bearing a present interest, the following dividends be established, namely: from the present year to the year 1806, inclusive, a dividend of one and one-half per centum on each of the last days of March, June, and September, upon the original capital; and upon each of the last days of December, during the said period, a dividend of three and one-half per centum upon the original capital; from the year 1807 to the year 1818, inclusive, a dividend of one per centum on each of the last days of March, June, and September, upon the original capital; from the year 1807 to the year 1817, inclusive, on each of the last days of December, a dividend of five per cent., and upon the last day of December, in the year 1818, a dividend of three dollars thirty-six cents and nine mills per centum upon the original capital, in full of said stock.

If either of these propositions shall be adopted, in respect to the stock bearing a present interest, it will be proper to establish the same rule for reimbursing the stock upon which interest will commence after the year 1800.

Either of the plans proposed will admit of an easy execution in the public offices, and either of them may be adopted consistently with the public engagements. The first proposition would be most favorable to an equal and regular circulation of the public revenue, and would serve to impress upon the stock the most uniform value. It is liable, however, in a greater degree than the second, to what may be deemed an objection common to both; namely, that of requiring an expenditure of money before the time actually stipulated for payment by the existing contract. The considerations of public utility, which have been stated, will however, it is presumed, more than counterbalance the objection.

It is further proposed, as an amendment to the act of the last session, that provision be made for reimbursing the balances, bearing and to bear interest at six per centum, due to certain States, which were funded in consequence of an act passed May 21, 1794. These balances, at present, constitute a part of the domestic funded debt, and unless they shall be reimbursed in course with the residue of said debt, it is apprehended that a degree of complexity will be introduced into the public accounts unfavorable to a regular and satisfactory administration of the business of the Treasury.

In deciding on the manner of executing the law, it has been judged inexpedient to renew the certificates in consequence of the annual reimbursements. It was indeed doubted, whether the operation would be practicable; at any rate, the expense to the public, and the trouble which would be produced to the creditors, were deemed insuperable objections. Accordingly the creditors have been notified, that their certificates will not be recalled, and that transfers will be continued upon the original capital stock. The value of

the stock will, therefore, be hereafter a matter of calculation, depending on the term for which the annuity of eight per centum per annum is to continue.

To guard purchasers against deception, an intimation of the arrangement which has been adopted is expressed in the certificates which have been issued since the commencement of the present year.

It is, however, essential to the preservation of order in the public accounts, and to the security of negotiations of this description of stock, that all the certificates which may, at any time, be in a course of transfer, should possess a uniform character and value. That this uniformity will in fact be preserved, cannot be rendered sufficiently certain, unless the whole debt is subject to a regular reimbursement. It is now ascertained, that a considerable portion of the balances due to States will not be transferred within the time limited by the act of January 2, 1795. Unless, therefore, a provision is made for reimbursing these balances in their present form, one of two consequences must follow: the United States must hereafter refuse to permit transfers to be made, however pressing the emergencies of the creditor States may be; or, two new denominations of funded stock must be admitted into circulation. It is conceived that neither the magnitude of these debts, nor any objects of public utility, require that the exemption from reimbursement, contained in the act of the last session, should be continued. If, however, the proposition now made should be adopted by Congress, it will be proper that an option should be reserved to the States to receive or reject, at their pleasure, a reimbursement equivalent to that made on the residue of the six per cent. stock at the commencement of the present year. It may, however, be safely presumed that each of the creditor States will readily comply with a measure obviously tending to produce an accommodation to the Government.

It is conceived to be a true construction of the law, that the annual reimbursement upon any stock, which may be in a state of transition to, or from, the Loan Offices or Treasury respectively, and on that account, not in a state to be included in a dividend at the usual period, may be lawfully made at the end of the ensuing quarter, at the office where the stock may then remain.

This construction is necessary to a due and regular execution of the law, and is supposed not to be inconsistent with the limitation which forbids the reimbursement of a greater sum than eight per centum on account of principal and interest in one year. It would be unreasonable if an act of the creditor were to be construed to preclude the right of the public to discharge the annuity at the regular period. If, however, any doubt should exist as to the powers of the Treasury upon this point, a Legislative explanation will be advisable.

The trusts vested in the Commissioners of the Sinking Fund, in respect to the reimbursement of the Public Debt, and for other purposes, are, at present, of high responsibility and importance, and

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such as will require frequent decisions upon representations from the Treasury Department. It is, in every sense, proper, that the documents received by the Commissioners, and their determinations thereon, should be fully recorded, and carefully preserved by some confidential person, to be appointed by them. An annual provision of a sum not exceeding two hundred and fifty dollars, for the services of a secretary, will be sufficient for the object, and is advisable.

It is already known to the committee, that the proposal for converting the Foreign Debt into a funded domestic stock, has not been accepted by the creditors in Amsterdam and Antwerp. It was foreseen, that the trouble of maintaining a distant correspondence, the necessity of employing agents in this country, the chances of exchange and the charges of insurance and commissions, would powerfully operate to deter the creditors from acceding to any commutation of their contracts on the principles proposed. The additional interest of one half per centum was intended to counterbalance these inconveniences, which were accordingly estimated on a scale liberal for the creditors; whether the allowance will be considered by them as an adequate compensation, is uncertain. As, in accomplishing the object of a re-loan, the United States will necessarily have to oppose many interests and some prejudices, it is

desirable to render the proposal of the Government free from all real objections; that which has been urged with the most force, arises from the redeemable quality of the new stock.

The documents in the possession of the committee contain data upon which an opinion is now expressed, that a renunciation of the right of redemption, until the year 1819, would be attended with no inconvenience to the United States, by prolonging the existence of the Public Debt.

Considering the great amount of the debt in Holland, the unsettled state of that country, and the extensive operations which either a re-loan or direct reimbursement must occasion, it is conceived to be advisable that a discretionary power of appointing a commissioner or agent to superintend the foreign expenditures should be vested in the President.

Though it is not certain that such an appointment will be necessary, yet there are sufficient grounds to recommend a provision for such a contingency.

I have the honor to be, with perfect respect, sir, your most obedient servant,

OLIVER WOLCOTT, Jun.,
Secretary of the Treasury.

The Hon. WILLIAM SMITH,
Chairman of the Committee of Ways and Means of the House of Representatives.

Statement exhibiting the operation of the act, entitled "An act making further provision for the support of Public Credit, and for the redemption of the Public Debt," in respect to the reimbursement of the six per cent. stock, bearing a present interest.

Term, being the close of the year.	Rates per centum due on the original capital in each year, after the payments made, to the end of the preceding years, are deducted.			Rates per centum due for interest in the 1st, 2d, and 3d quarters of each year.		Rates per centum payable at the end of the 4th quarter of each year, on account of principal and interest.	
	Years.	Dollars.	Parts.	Dollars.	Parts.	Dollars.	Parts.
1795	1	100	—	1	.50	3	.50
1796	2	98	—	1	.47	3	.59
1797	3	95	.890	1	.439	3	.683
1798	4	93	.632	1	.405	3	.785
1799	5	91	.250	1	.369	3	.893
1800	6	88	.725	1	.331	4	.007
1801	7	86	.049	1	.291	4	.127
1802	8	83	.212	1	.249	4	.253
1803	9	80	.205	1	.203	4	.391
1804	10	77	.017	1	.156	4	.532
1805	11	73	.638	1	.105	4	.685
1806	12	70	.056	1	.051	4	.847
1807	13	66	.260	—	.994	5	.018
1808	14	62	.236	—	.934	5	.198
1809	15	57	.969	—	.870	5	.390
1810	16	53	.448	—	.802	5	.594
1811	17	48	.654	—	.730	5	.810
1812	18	43	.574	—	.654	6	.038
1813	19	38	.188	—	.573	6	.280
1814	20	32	.480	—	.488	6	.636
1815	21	26	.428	—	.397	6	.809
1816	22	20	.014	—	.301	7	.097
1817	23	13	.215	—	.199	7	.403
1818	24	6	.008	—	.091	6	.096

*Internal Revenue.***INTERNAL REVENUE.**

[Communicated to the House of Representatives,
March 7, 1796.]

TREASURY DEPARTMENT, March 5, 1796.

SIR: I have the honor to transmit herewith certain statements, which have been prepared by the Commissioner of the Revenue, in pursuance of the resolutions of the House of Representatives, passed on the 2d day of March, 1795, and the 26th day of February, 1796, with a report explanatory thereof, by that officer.

I have the honor to be, &c.,

OLIVER WOLCOTT, Jun.,
Secretary of the Treasury.

The SPEAKER of the House of Representatives.

A report of the Commissioner of the Revenue, required by the order of the House of Representatives of the 2d day of March, 1795, concerning the internal revenues of the United States.

TREASURY DEPARTMENT,
Revenue Office, Feb. 29, 1796.

The order of the House of Representatives having been made at the expiration of its last term, a report could only be made to the present House. On the day following the receipt of the order, circular letters, communicating the substance thereof, were transmitted to the supervisors. These letters contained also explicit and particular instructions, intended to insure the requisite attention to punctuality and to the necessary details, as will appear from the annexed copy. With a view to expeditious and easy communications from the supervisors to the inspectors, printed copies were transmitted to the former, for all of the inspectors of surveys as well as for themselves. As circumstances immediately preceding the order of the House had convinced those who had to pay the tax, that the revenue laws would be executed in future, and had removed some of the difficulties which had impeded and greatly disordered the antecedent business, it appeared expedient to reinforce, by the influence of this Legislative call, the injunctions which had been previously given to settle and return, as far as was then possible, all that remained in arrear. To prevent inconvenience from accidents, and to increase impression, duplicates of those letters were also transmitted.

One of the acts concerning snuff and snuff mills, requiring an annual report of the revenue from that object to be made to Congress, a special circular letter upon that subject was transmitted to the supervisors, shortly after the circular communication above mentioned, and nearly six months before the expiration of the first year of the operation of the snuff tax.

Immediately before the time when the five new duties would have existed an entire year, other letters were transmitted to the supervisors, calculated to promote their attention to the objects required by the House, and requesting them immediately to furnish, for Legislative and Executive

use, anticipated estimates of what each of the internal revenues might be expected to produce in the year 1796.

Other letters, partially circular, have been transmitted, at different times, to those supervisors who continued to be most in arrear as to these and their other returns. Besides which, special letters, as frequent, and in terms as urgent, as circumstances required and admitted, have been addressed to some of the supervisors, and indeed to other officers of the revenue, who, from considerations of weight, cannot be instructed immediately from the Treasury on ordinary occasions.

But, although a perfect respect to the order of the House, and the proper duties of this office, have produced these early and repeated communications to the supervisors, it is not intended to convey the idea, that they, or the other officers of the revenue, have made less exertions than any other description of persons in the public service. For, it is believed, that a comparative view of their services and duties would produce different impressions. It is, however, true, that the embarrassments and difficulties of the revenue business have been met by inadequate exertions in some instances. These cases have been the subjects of explicit communications with the proper officers. But it is doubted whether a complete remedy can be applied without transferring the tax upon spirits to the stills.

When the order of the House was received at this office, the reflection occurred, that the first year of the five internal revenues established in 1794, would not terminate until the 30th of September, 1795; and that the revenues from both kinds of domestic distilled spirits and from stills, would have their nearest annual period on the 30th of June following the receipt of the order. It was only on the same 30th of June that the existing arrangement of officers and compensations would have been in operation for an entire year in relation to all the revenues which are considered as parts of the system of internal taxation. It appeared desirable, therefore, and indeed necessary, to make preparation for statements, which should respectively terminate on those two days of June and September 1795, and a return of officers and compensations, as of the first of those days being the middle of the year. When, however, it is remembered, that the statements of the familiar and unembarrassed business of the customs, concentrated as they are, in each instance, in a single port and post-town, cannot be conveniently made up at the Treasury, for any year, until near the close of the year following, much longer time will appear necessary in the case of the internal revenues. Some of these are new, one litigated, and the largest of them has been the subject of forcible opposition and coercion. They are moreover so scattered, that one or the other of them accrues in every county, and in almost every township of the United States.

The following statements, A, B, C, D, E, F, and G, contain an exhibition of all the returns,

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whether formal or irregular, which have been yet received at the Treasury. To those papers are added such supplementary estimates as we possess materials to justify. The paper H contains a list of the officers, with their compensations. The paper I is a copy of the act of the President, establishing those compensations. The paper K is the general statement of those revenues, with all the expenses of collection. The drawbacks are inserted in the particular statements of the several revenues, so far as they are ascertained. These statements are accompanied with some remarks, which may contribute to place the subject within the view of the Legislature.

1. The gross revenue from spirits distilled from domestic materials and from stills appears, by the accompanying statement and estimate A, to amount to 218,036 dollars and 16½ cents, for one year, ending on the 30th of June, 1795.

The two earliest and largest estimates of that branch of the spirit tax, which were made in December, 1790, resulted in a gross amount of \$270,000

But, since the passing of the law of 1791, which was predicated on those estimates, the duty on spirits from domestic materials has been reduced from nine to seven cents, being two-ninth parts of the whole; for which, of course, there is to be deducted from the estimate - \$60,000

The yearly duty upon the capacity of the still has also been reduced from sixty to fifty-four cents, since the passing of the act of 1791. This difference, taken upon only one-fifth part of the whole \$270,000, gives the sum of - 5,400

Since that year, monthly licenses, not contemplated by the estimates, have been allowed by law, and an opinion is held at the Treasury, grounded on a report made upon experiments by distillers, that, in consequence of that allowance, the duty, in the case of stills employed on grain, may be easily reduced from seven cents to four cents and one-half, and in the case of fruit, from seven cents to four cents per gallon. If this be taken at the minimum of two cents and one half per gallon, it will justify a deduction of - 37,500

102,900

And the sum of - \$167,100 will be left as the just and true residuum, after thus deducting, from the original estimate, the aggregate of those excisions from this duty which

have been actually made by the law of 1792. Instead of that sum, there can be no doubt, from the face of the statement A, that a larger amount has accrued and will be collected. And if the statutes concerning this branch of the revenue had not been greatly frustrated by the unavoidable want of a law officer, to prosecute the pleas of the United States in a productive district, a confident belief is entertained, that it would have yielded a sum nearly one-third larger than the residuum above stated.

To collect, with an effect really equal to previous estimates, so very small a revenue over the face of an extensive and sparsely-peopled country, under the disadvantages of necessarily imperfect and untried laws, of prejudice, and even opposition, will be considered as favorable to the general character of the revenue officers in the districts. It is, moreover, to be remembered, that there are some occasional circumstances, which might have been expected to produce a defalcation of the duties upon spirits from domestic materials. The excessive prices of grain, of marketable and exportable fruit, and of cider, have deprived the distillers of a very large portion of the means to employ their stills. In all places, the inducements to distil have been greatly diminished by the increased competition of the miller and merchant for every species of grain. It might have been supposed, too, that the great additional importations of foreign spirits*, of low priced wines,† and of malt liquors,‡ with the multiplication and extension of the manufactories of the latter, concurring with those circumstances, would have reduced the revenue on spirits from domestic materials, far below all former expectation. Yet this does not appear to be the case. It is worthy of remark here, that, on a calculation predicated upon the premised facts, the quantity of spirits, from fruit and grain only, which have been subjected to the revenue in the United States in the reported year, appears to be greater than the average of the same branch in England during the last thirty years, notwithstanding the more strict and rigorous nature of their laws. If these objects have produced there a greater sum, it is because the duty is much higher. A comparison with the same revenue, under the laws of certain of the States, would be still more favorable to the operation by the United States. Pennsylvania, for example, collected in the year 1790, from an excise of eight cents and eight ninths, upon foreign and domestic spirits and upon all kinds of wine, much less than is now collected from spirits made from domestic materials only, though her territory is crowded with emigrants consuming her produce, and she contributed very largely to the supply of the Western and Militia armies out of the crop of 1794.

*The quantity of foreign distilled spirits, imported in the year ending on the 30th September, 1790, was 3,678,199 gallons. That in 1794 was 5,699,369 gallons.

†The quantity of wines, other than those of Madeira, imported in the year ending on the 30th of September, 1790, was 607,561 gallons. That in 1794, was 1,336,076 gallons.

‡The quantity of beer, ale, and porter, imported in the year ending on the 30th September, 1790, was 70,564 gallons. That in 1794, was 331,458 gallons.

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2. The tax upon spirits distilled from foreign materials appears, by the same accompanying statement A, to amount to \$141,989 15½ for one year, ending likewise on the 30th day of June, 1795.

The estimates of 1790, already referred to, resulted, in regard to the tax on spirits from molasses, in the gross amount of - \$385,000 00

But, since the passing of the first law, in 1791, which was predicated on those estimates, the duty on this kind of spirits has been reduced from eleven to nine cents per gallon. Wherefore, there are to be deducted two-eleventh parts of \$385,000, being - 70,000 00

315,000 00

Allowances for leakage and for prompt payment were also made, for both of which there is yet to be deducted about - 6,662 50

\$308,337 50

The revenue from spirits distilled from foreign materials, in the year ending with June, 1795, was, according to statement and estimate A, \$141,989 15. The defalcation of this branch of the revenue appears, therefore, \$166,348 35. But the importation of molasses, in the year 1794, was less than that in 1791, by 3,700,000 gallons. Allowing something extraordinary for the portion which would not have been used in distillation, the duties on the remainder, at nine cents per gallon, would more than counterbalance that sum: To this deficiency in the supply of molasses, it is probable that something might be added for the increased consumption of it in substance on account of the high price of sugar. These circumstances not only explain the 'defalcation' of the tax on spirits distilled in the United States from foreign materials, but afford ground of conviction, that a great revenue from this source has been prevented only by the extraordinary nature of the war in the West Indies. As to the future course of the business, there appears little uncertainty in the expectation that the restoration of the molasses trade, the reduction of the prices of grain abroad and at home, and the increase of fruit, or even the two latter, should molasses continue to fail, will render the revenue from domestic spirits highly valuable; especially if further modified by the Legislature.

The estimates of the duties on sales at auction, snuff and snuff mills, refined sugar, carriages, and licenses to retail wines and foreign distilled spirits, were formed upon grounds which are unknown at the Treasury, having been made by a committee of the House of Representatives. It appears highly probable, however, that any information which could have been attainable at that time, must have been very imperfect and uncertain, and it is to be remembered, that alterations in the bills which produced diminutions in the product, were made during their passage through

the Legislature. On these five duties, the following observations occur:

1. The auctioneer's tax, according to the statement B, amounts to \$31,593 23½, and falls considerably short of the estimate referred to. It is conceived that the numerous and extensive exemptions in the proviso to the first section of the law, the very increased agency of brokers instead of auctioneers, in the business of the seaport towns, and the multiplication of the various objects which now form our circulating medium, have greatly affected this revenue.

2. The taxes on snuff and snuff mills amount, according to the statements C and D, to \$9,511 8½, and have proved apparently the least conformable with the Committee's estimate, though it is not known what proportion they expected from manufactured tobacco. This article, which is of much greater consumption than snuff, was not subjected to duty, as proposed by the Committee. An opinion prevails, and it is believed on just grounds, that the existing law, relative to this branch of the public revenues, is either constructed upon wrong principles, or is very defective in its provisions. It is understood, also, that the productiveness of this tax has been diminished by extraordinary, though very natural exertions of the manufacturers of snuff to increase the stock on hand before the operation of the duty; and it is represented that, since the alteration of the principle of the law, the larger mills, with great powers of water and capital, have been enabled to make snuff by license, so as to reduce the contribution on the pound of the manufactured commodity to a much less rate than eight cents.

3. The refined sugar tax amounts to \$34,527 86, and appears, also, by the statement B, to fall short of the original estimate; but additions will be made when all the returns shall be received. The defalcation may be owing not more to the imperfection of the materials which the Committee could obtain to govern their opinions, than to the increased use of the fine Muscovadoes, and of the clayed and powdered white sugars, which are understood to have been imported in a greater degree than formerly. These have facilitated a prudent economy, to which the prices of many of the necessities of life have invited the consumer.

4. The tax upon carriages for the conveyance of persons appears, by the statement B, to have produced \$41,421 17. The members of the Legislature are generally informed that a question has been raised, in an extensive State, about the constitutionality of the law which imposes it. That circumstance is conceived not only to have diminished the revenue in that district, but in some other places. As it was, for obvious reasons, highly desirable to have this point immediately settled, every exertion was made, short of precipitating the decision, to bring it early before the District Court. The Judges of that tribunal were divided, and the case was carried by appeal to the Supreme Court of the United States. It was endeavored, on the part of the Government, to have the question finally argued in August last, but, from circumstances on the side of the defendant,

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it became necessary to acquiesce in a postponement until the February term. It is understood that the revenue of the current year will be further diminished by the unavoidable delay of a decision.

5. The statement G exhibits the gross revenue from licenses to retail wines and foreign distilled spirits, at \$54,731 54, so far as returns have been received at the Treasury. It was to be expected that the amount would fall considerably below the original estimate, because the spirit licenses were confined to the retailers of foreign spirits, contrary to what seems to have been the first intention of the Committee. This not only diminished greatly the number of licenses, but is supposed to have facilitated evasions of the law. It is not doubted, that the occurrence of the month of entry (September) so soon after passing the license act, may have prevented that timely promulgation of it which was necessary to the perfect collection of this tax. A similar reflection arises with greater force in regard to the carriage tax; and, indeed, the arrangements necessary to carry into execution the several laws concerning the five new duties, required more time than intervened between the beginning of June and the month of September.

The paper H contains the names of nearly all the officers employed in the business of the internal revenues throughout the United States. Judging by a comparison with facts in the scene most adjacent to the Seat of Government, these are less numerous than the corresponding officers of the States. The collectors, alone, of the revenues of the State of Pennsylvania, all of which are of course internal, are believed to be very many more in number, as well in fact as in proportion to the respective aggregates of the taxes, than all the officers of every description employed in that district to superintend and collect the six duties of the United States, which are the subjects of this communication. Throughout the Eastern parts of the Union, it is understood that there is a collector of their taxes in every township, which must give a number greater, in that quarter alone, than that of all the officers of the internal revenues of the United States. In the other parts of the Union, it is believed that there is considerably more than the proportion of one collector of State dues in each county, on a medium. It is certain that the internal revenue officers of every class, upon the Federal Establishment, are fewer in number, although one description of them (the auxiliary officers) has been appointed for the sole purpose of bringing conveniently near to the payers of certain of the taxes, an office of entry and application.

The apparent emoluments of the officers, and the expenses of collection, though not higher than has been expected, if accurately considered, must be taken in conjunction with several connected circumstances.

Some of the supervisors and inspectors have allowances for preparing or signing certificates for foreign distilled spirits, wines, and teas, which, not being conveniently separable, appear, in their general mass of charges, on the internal revenues.

They are, however, not considerable. For the important service of checking, on land, the great import duties on those three articles, these revenue officers receive no other than the very small allowance which is just referred to. A puncheon of spirits, worth one hundred dollars, yields to some one of them in a district, no more than two cents and one-half; and a cask of wine, worth forty dollars, yields, in like manner, but a single cent. The supervisors and inspectors' office rent, fuel, and clerk hire, the value, or hire, of the collectors' horses and their keeping, together with their own expenses when on the road, are deductions from their emoluments. The postage of letters and packets, which greatly contribute to swell the incidental expenses, are all returned into the public Treasury, except the allowances to the post officers. Most of the supervisors, and several of the inspectors, perform necessary and important duties, auxiliary to some of the officers of the several Executive Departments, on terms very far, indeed, below what would be accepted by any special agent, public or private.

The statements and estimates accompanying this report contain the substance of all the returns and documents concerning the internal revenues for the year to which they relate. Such papers as may be received during the course of the session, are proposed to be digested into a supplementary statement.

TENCH COXE,
Commissioner of the Revenue.

[CIRCULAR.]

TREASURY DEPARTMENT,
Revenue Office, May 16, 1795.

GENTLEMEN: I have been obliged to postpone, until this day, a communication to you concerning a resolution of the House of Representatives of the 2d of March last. It did not reach my hands till yesterday-afternoon. The resolution requires, that there be laid before the next Congress "such a statement of the internal revenues as will ascertain, with precision, the net product thereof, and the expense of collection;" also, "a list of all the officers employed in that service, and the compensation allowed to each of them."

Completely to effect these several objects, and as the basis of the relative observations and explanations which should accompany the statements from the Treasury, it is necessary that early and particular attention be paid to the following points:

1. The completion of all the returns and abstracts relative to retailers' licenses, sales at auction, carriages, refined sugar, and snuff and snuff mills, until the 30th of September next, on which day the first year of those revenues will end.

2. The completion of all the returns and abstracts relative to the distillation in cities, towns, and villages, and from foreign materials, from the first day of July, 1791, until the 30th day of September, 1795, the return for each quarter, now unreturned, to be transmitted to the Treasury, as soon as completed.

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3. The completion of all the returns and abstracts relative to the distillation from domestic materials, in places other than cities, towns, and villages, and to stills, as far as the same can, by every exertion in your power, be completed. From the first day of July, 1791, to the last day of December, 1794, they should be made up by the close of the current quarter, the 30th of June next. These, also, should be immediately sent forward, as each shall be completed. I recommend, too, such exertion as will possess the Treasury of the abstract, relative to the half year, now current, by the close of the year 1795.

4. The completion of the quarterly accounts current, with the proper accompaniments, from July 1, 1791, to the 30th day of September, 1795, and the transmission of each of them, which is, at this time, incomplete, as soon as it shall be made up.

5. A complete list of all the inspectors of surveys, inspectors of the revenue for the ports, collectors of the revenue, auxiliary officers, and deputies of the inspectors of the revenue for the ports, as the same shall stand in the month of June, 1795, exhibiting the salary allowed to each, and an estimate of the commissions, fees for marking stills, &c.; also, the surveys, divisions, and counties. To these you will prefix a similar exhibition of all the emoluments of the supervisors.

Should anything further occur likely, in your opinion, to give to the Legislature a perfect view of the revenue service, and of its results, you will be pleased to add such information.

I am, gentlemen, very respectfully, your most obedient servant,

TENCH COXE,

Commissioner of the Revenue.

The Supervisors of the Revenue.

[The tables accompanying the Report are omitted.]

DIRECT TAXES.

[Communicated to the House of Representatives, December 14, 1796.]

TREASURY DEPARTMENT, Dec. 14, 1796.

SIR: In obedience to the resolution of the House of Representatives, of the 4th of April, 1796, I have the honor to transmit a report, containing a plan for laying and collecting direct taxes, by apportionment among the several States, agreeably to the rule prescribed by the Constitution.

I have the honor to be, with perfect respect, sir, your obedient servant,

OLIVER WOLCOTT, JR.

The Hon. the SPEAKER

of the House of Representatives.

The Secretary or the Treasury has, during the recess of Congress, directed his attention to collect such information as appeared necessary to enable him to comply with the resolution of the House of Representatives, passed on the fourth day of April, 1796; and though, from

the importance and complexity of the subject, more time and leisure would have been desirable, yet, in obedience to the said resolution, he most respectfully submits the following report:

The duty enjoined is to "report a plan for laying and collecting direct taxes by apportionment among the several States, agreeably to the rule prescribed by the Constitution; adapting the same, as nearly as may be, to such objects of direct taxation, and such modes of collection, as may appear by the laws and practice of the States, respectively, to be most eligible in each."

The amount of the proposed tax not being specified in the resolution, the Secretary presumes it to have been the intention of the House that the sum to be apportioned should be sufficient to consummate the system which was established in March, 1795, for the reduction of the present debt of the United States, and commensurate to the probable exigencies of the Government.

This construction has appeared the more reasonable, because necessary to prevent the measures then adopted, from producing effects in some degree opposite to what were intended. The public faith having been pledged to reimburse a great portion of the debt, which lately rested in permanent loans, sufficient revenues for this object, and all necessary expenses of Government, must be provided, or recourse had to a continued system of borrowing. If this last expedient should be resorted to, the public burdens, though the debts may change their form, will remain substantially the same. The Government will, moreover, be liable to certain risks and expenses, which inevitably attend extensive contracts; and unless it shall be found practicable to obtain new loans on terms at least as favorable as those to be extinguished, the public debts will be somewhat increased by the inefficacy of the measures which were intended to reduce them.

It will not escape the attention of the House, that the causes which at present most favor the prosperity of the United States, and, consequently, increase the ability of the people to pay taxes, are such as oppose obstacles to the negotiation of new loans, or, at least, render their terms peculiarly burdensome and expensive. But, while it would be improper to encourage an expectation that the affairs of this extensive and enterprising country can be successfully conducted without an occasional application to this resource, it ought to be a fixed principle to establish a permanent revenue, adequate to every permanent expense, and sufficient to discharge, in a reasonable time, all loans arising from extraordinary and unforeseen contingencies. This principle has already been recognised by the act of March 3d, 1795, which has solemnly pledged the public faith for the reimbursement of the debt now existing; it, therefore, only remains to embrace the present period, as the most auspicious which has yet occurred, and as favorable as any which may be expected, for establishing and maturing such systems as will efficaciously fulfil the intentions of the Legislature.

As necessarily connected with the question,

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how far additional revenues are requisite, the Secretary has deemed it proper, though not enjoined by the resolution of the House, to present a concise statement of the finances. The period selected for this purpose is the first day of July, of the present year, at which time the debts of the United States were of the following descriptions and amounts:

1st. The foreign debt, consisting of loans obtained by the late and present Government in Amsterdam and Antwerp, amounting to twenty-nine millions five hundred thousand guilders; equal, at forty cents per guilder, to	\$11,800,000 00
2d. The six per cent. domestic stock, now in course of reimbursement	29,344,752 98
3d. The six per cent. domestic stock, upon which reimbursements are to commence in the year 1801	14,578,882 39
4th. The three per cent. domestic stock	19,597,545 93
5th. The five and a half per cent. domestic stock	1,848,900 00
6th. The four and a half per cent. domestic stock	176,000 00
7th. The unfunded registered debt, exclusive of arrearages of interest prior to the year 1791	179,953 16
8th. The debts due to the Bank of the United States and the Bank of New York	6,200,000 00

The sums before enumerated are precisely ascertained by the records of the Treasury, and amount to

83,726,034 46

There are, however, in circulation, various descriptions of certificates, the amount and value of which are not exactly ascertained, which, with the balances of certain unliquidated accounts and arrearages of interest, may possibly rise to

1,124,404 24

The entire amount of all those capitals, upon which an expenditure is incurred, and for which provision is necessary, may, therefore, be estimated at

84,850,438 70

To reconcile this representation with reports heretofore made from the Treasury, and to prevent erroneous opinions from being entertained respecting the real amount of the public debt, it appears proper to represent that the following sums are indisputable off-sets against the capitals before enumerated:

1st. Six per cent. stock, bearing a present interest, already purchased or redeemed, and vested in the Commissioners of the Sinking Fund	\$1,170,232 13
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2d. Six per cent. stock, on which interest will accrue after the year 1800	930,753 91
3d. Three per cent. stock, also purchased or redeemed	610,757 94
4th. Stock of the Bank of the United States, sold by the United States, estimated at par	2,000,000 00
5th. The sum reimbursed at the close of the year 1795, on the six per cent. stock	544,066 54

Amounting, in the whole, to 5,255,810 52

The particulars and amount of expenditure required by the public contracts, in relation to the capitals first enumerated, calculated on an average of the respective years for which each description of debt is to continue, are as follows:

1st. The debts due in Amsterdam and Antwerp, as before stated, amount to eleven millions eight hundred thousand dollars. The contracts respecting them require annual reimbursements in unequal portions, until the year 1809, when the last payment is to be made. The whole sum required for principal and interest, on an accurate calculation, and supposing the utmost punctuality to be maintained on the part of the United States, is sixteen millions seven hundred and seventy thousand four hundred and forty-four dollars.

The average sum which will be required, during the fourteen years which this debt is to continue, is, therefore

\$1,197,888 84

This calculation, however, supposes the practicability of such a punctual provision for the payment of interest and principal, as will entirely supersede the use of temporary credits in Europe; and it moreover supposes that remittances can be uniformly made at the par of exchange. As neither of these suppositions will be, in fact, realized, there is to be added to the foregoing sum the estimated expense of remittances above par, and for interest on temporary advances to the United States, to insure punctuality; this expense will not, probably, be less than five per centum on the annual payments, and being calculated on the average annual demand above stated, will, at this rate, amount to

59,537 30

1,257,426 14

Upon the principles herein assumed, the average sum to be provided, until the year 1809, inclusive, for the extinguishment of the Dutch debt, will be one million two hundred and fifty-seven thousand four hundred and twenty-six dollars and fourteen cents.

It is proper, however, to state that the foregoing estimate is founded on a presumption that some

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systematical plan will be adopted for satisfying the existing contracts, by direct payments from the Treasury. In every degree in which recourse may be had to new loans, the expense of reimbursement will be finally increased by at least the charges of negotiation; these, upon such loans as may be hereafter obtained in Holland, cannot be estimated at less than six or seven per centum upon the capitals which may be borrowed.

2d. The six per cent. stock now in course of reimbursement, exclusive of the sum passed to the credit of the Sinking Fund, is twenty-eight millions one hundred and seventy-four thousand five hundred and twenty dollars and eighty-five cents, upon which the annuity of eight per centum amounts to - \$2,253,961 66

The capital passed to the credit of the Sinking Fund is one million one hundred and seventy thousand two hundred and thirty-two dollars and thirteen cents; upon which the accruing interest of six per centum per annum, is - 70,213 92

Amounting to - - 2,324,175 58

This sum, last mentioned, will be annually required until the close of the year 1817. During the year 1818, the demand for the object will decline to about one million eight hundred and sixty-five thousand dollars, and will then cease by the extinguishment of the debt.

3d. The six per cent. stock, on which reimbursements will commence in the year 1801, amounted, on the first day of July, 1796, to thirteen millions six hundred and forty-eight thousand one hundred and twenty-eight dollars and forty-eight cents, exclusive of nine hundred and thirty thousand seven hundred and fifty-three dollars and ninety-one cents, passed to the credit of the Sinking Fund. The annuity on the first sum, at eight per centum, amounts to - \$1,091,850 28

And on the latter sum, at six per centum, to - 55,845 23

Being, together, - - 1,147,695 51

Which last sum will be required, from the year 1801 to the year 1823, inclusive. During the year 1824, the charge will be reduced to about nine hundred and twenty-five thousand dollars; and, after that period, will wholly cease, with the reimbursements of the debt.

4th. The funded three per cent. stock, exclusive of the credit to the Sinking Fund, amounts to eighteen millions nine hundred and eighty-six thousand seven hundred and eighty-seven dollars and ninety-nine cents; on which the annual interest is - 569,603 63

The stock of the Sinking Fund is six hundred and ten thousand seven hundred and fifty-seven dollars and ninety-four cents; and the interest thereon - 18,322 73

Amounting to - - 587,926 36

The duration of this annuity may be considered as indefinite; for, though funds for the redemption of the capital stock are eventually appropriated by the act, entitled "An act making further provision for the support of public credit and for the redemption of the public debt," yet, by a proviso to the twelfth section of the said act, the power of diverting the appropriation to other objects, is reserved to the Government.

5th. The interest on the stock bearing interest at five and a half per centum per annum, (being one million eight hundred and forty-eight thousand nine hundred dollars) will require one hundred and one thousand six hundred and eighty-nine dollars and fifty cents.

6th. The interest on the stock bearing interest at four and a half per centum, being one hundred and seventy-six thousand dollars, will be annually seven thousand nine hundred and twenty dollars.

7th the unfunded debt is of two descriptions, viz: That which is registered, being \$179,953 16

And that not registered, estimated at - - 1,124,404 24

Amounting to - - 1,304,357 40

For this debt no provision has been made by law, except a partial grant from year to year, on account of interest. So far as the debt has been liquidated, the public are bound by contract to pay an interest of six per centum per annum. Similar engagements will be expressed in the certificates hereafter to be issued; to discharge which interest there will be annually required the sum of seventy-eight thousand two hundred and sixty-one dollars and forty-one cents.

8th. The debts due to the Bank of the United States and Bank of New York amount to six millions two hundred thousand dollars; though a part of this sum was borrowed at five per centum per annum, yet, as the existing contracts are expected to be satisfied from the proceeds of new loans at six per centum, the annuity chargeable upon the revenue is calculated upon this last rate, being three hundred and seventy-two thousand dollars.

The annuities before recited comprise all the demands which will be made upon the Treasury, in consequence of the present debt of the United States; and being reduced to aggregate sums, and classed according to the epochs for which the said annuities are to continue, they will require a provision of revenue as follows:

1. From the year 1796 until the end of the year 1800, when the annuity on the deferred six per cent. stock will begin to accrue, four millions seven hundred and twenty-nine thousand three hundred and ninety-eight dollars and ninety-nine cents.

2. From the year 1801 to the year 1809, inclusive, when the present foreign debt will be extinguished, five millions eight hundred and seventy-seven thousand ninety-four dollars and fifty cents.

3. From the year 1810 to the year 1818, inclusive, when the annuity on the six per cent. stock,

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bearing a present interest, will be extinguished, four millions six hundred and nineteen thousand six hundred and sixty-eight dollars and thirty-six cents.

4. From the year 1819 to the year 1824, inclusive, when the annuity on the deferred six per cent. stock will be extinguished, two millions two hundred and ninety-five thousand four hundred and ninety-two dollars and seventy-eight cents.

5. After the year 1824, supposing the debt above mentioned to be extinguished, and the other debts of the United States to remain in their present situation, one million one hundred and forty-seven thousand seven hundred and ninety-seven dollars and twenty-seven cents.

By the establishment of a revenue adequate to the current expenses of the Government, in addition to the foregoing estimate, during the periods above recited, the following reductions of debt might be effected:

1. At the close of the year 1809, the entire amount of the present foreign debt, being - \$11,800,000 00

2. At the close of the year 1818, the six per cent. stock, bearing a present interest - 29,344,752 98

3. At the close of the year 1824, the deferred six per cent. stock - 14,578,882 39

Amounting, together, to - 55,723,635 37

After the reimbursement of the foregoing sums, there would still remain, of the present debt—

1. The three per cent. stock, being - \$19,597,545 93

2. The five and a half per cent. stock - 1,848,900 00

3. The four and a half per cent. stock - 176,000 00

4. The unfunded and unliquidated debts - 1,304,356 97

5. The debts due to banks, or the stock which may be substituted therefor - 6,200,000 00

Amounting, in the whole, to 29,126,802 90

If, however, the United States can establish a revenue equal to the scale of expenditure which will be necessary in the year 1801, the whole debt may be extinguished by payment or purchase, on or before the end of the year 1824; as, also, a considerable additional debt, if such should accrue from future contingencies.

The foregoing calculations being founded on existing contracts, are liable to but little uncertainty; it is necessary, however, to form an estimate of the probable expenses of those establishments which the United States must at all times maintain. On this subject there exists no data, from past experience, which afford a satisfactory ground for an opinion; it is believed, however, that it will be unsafe and deceptive to calculate the current expenses of Government at less than the following estimate:

For the support of the civil list	\$486,000 00
For expenses of intercourse with foreign nations	100,000 00
For the mint establishment	40,000 00
For light-houses	25,000 00
For expenses of the loan offices	12,000 00
For miscellaneous objects and contingent expenses of Government	37,000 00
For the military and naval departments, including pensions	2,000,000 00
Amounting, in the whole, annually, to	<u>2,700,000 00</u>

If it shall be found that the expenses of the military and naval departments cannot be reduced below the above estimate, which, though much to be desired, is far from certain, the foregoing calculation will fall short of the real expense; it being morally certain that the expenses of civil government will, hereafter, considerably increase.

Assuming it, however, as a principle, that the expenses of the public establishments will amount to two millions seven hundred thousand dollars, and no more, it follows that, to preserve the United States from the necessity of recurring to future loans, it is requisite to establish a revenue to continue until the close of the year 1800, of seven millions four hundred and twenty-nine thousand three hundred and ninety-eight dollars and ninety-nine cents. And from the year 1801 to the year 1809, inclusive, a revenue of eight millions five hundred and seventy-seven thousand ninety-four dollars and fifty cents.

It is a further consequence of the foregoing data that, though a revenue upon this last scale would be more than sufficient to discharge the whole public debt, on or before the year 1824, yet, that the absolute engagements of the United States will not require, after the year 1809, more than seven millions three hundred and nineteen thousand six hundred and sixty-eight dollars and thirty-six cents; which last sum is less than the annual expenditure required by existing contracts and arrangements.

Having thus presented a view of the probable expenditures of the United States, it remains to show how far the revenues already established afford an adequate resource; the particulars and amount of these revenues are as follows:

Duties arising on imports and tonnage, calculated upon the actual receipts during the year 1795	\$5,588,961 26
Duties on domestic distilled spirits and on stills, on refined sugar, sales at auction, licenses to retail spirits and wines, and on carriages for the conveyance of persons, calculated upon the receipts of 1795	337,255 36
Revenue from the Post Office	35,000 00
Dividends on bank stock, calculated with reference to certain sales, the proceeds of which will be applied to the payment of	

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part of the debt due the Bank of the United States - - -	150,000 00
Interest on stock purchased and redeemed, and vested in the Sinking Fund - - -	88,635 65
Duties on patents and contingent receipts (uncertain) - - -	746 73
Estimated annual current revenue	6,200,600 00

The revenue from imports and tonnage was, in the beginning of the year 1795, calculated at \$5,679,418 58, being about \$90,000 more than the present estimate. Fluctuations in the amount of this revenue are to be expected; what the product of the present year will be cannot be yet known, although it is certain that it will exceed, considerably, that of the year 1795.

As the present design is to ascertain, as accurately as possible, the extent in which confidence may be reposed in the existing revenues, it becomes interesting to consider what effects a termination of the present war in Europe is likely to produce. A consideration of all the causes which may contract or extend the future commerce of the United States would be evidently premature and unprofitable; it may, however, be safely affirmed that the unexampled prices which the exports of the United States have lately borne, must have stimulated the demand for, and consumption of, foreign manufactures and productions. A certain proportion of this demand will cease when the temporary causes by which it has been produced are removed. Whatever cause diminishes the consumption of imported articles will produce a corresponding decrease of the revenue from foreign commerce. There is ground, however, to hope that the unfavorable effects in regard to revenue which are to be expected from a depression of the present prices of some of our articles of export, will be counterbalanced by an increase of their quantities; by the superior value which others of them are daily acquiring, in consequence of improvements in their manufacture; by the extension of our commerce to new markets, and by the increasing demand for imported articles, which must result from progressive wealth and population.

The sum stated as the product of the internal revenues will also be considerably exceeded by the receipts of the present year, and is believed to be much below what might be obtained under a different modification of the act imposing duties on distilled spirits and stills, aided by provisions for insuring a more energetic and punctual collection in some districts. It may also be remarked, that some of the causes which may diminish the revenue from importations will tend to increase that derived from internal objects. It appears, therefore, to be safe to calculate permanently upon the collective amount of the sums which have been stated as the probable future product of both branches.

The revenue from the Post Office is likely to increase, if the expenses of that institution are

not greatly enhanced by the establishment of new post roads.

In respect to the income from bank stock held by the United States, it is proper to observe, that dividends have been for some time declared at the rate of eight per centum per annum; on the supposition that the stock would not be alienated, it has been customary to estimate this item of revenue at \$160,000. In consequence of the authority contained in an act of the last session, sales have, however, been commenced for the purpose of reimbursing a part of the debt due to the bank.

To extinguish an annuity due to the bank, equivalent to that received from the dividends, it would have been necessary to sell the bank stock at an advance of thirty-three and one-third per centum upon the original capital. This, however, was not practicable; the best terms which could be obtained were twenty-five per centum. With reference to the effect which sales, at this rate, will have upon the statement of revenue and expenditure, now presented, the proceeds of the bank dividends are calculated at \$150,000.

The fund arising from stock purchased or redeemed will be increased by the interest on such sums of stock as may hereafter accrue to the Sinking Fund, but will, in no event, be diminished. Though this income is vested in the Commissioners of the Sinking Fund, it has been thought proper to present it as an object of public revenue, being, with other funds, appropriated for the redemption of the Public Debt.

It results, from what has been stated, that the following sums must be provided by the United States, in addition to the revenue already established:

1st. From the present time until and during the year 1800, \$1,228,798 99.

2d. From the year 1801 to 1809, inclusive, \$2,376,494 50.

3d. From and after the year 1809, until the time when the present debt may be extinguished, which will be before the year 1824, \$1,119,068 36.

To provide the sums annually required until the year 1801, without imposing an inconvenient burden on the people, is evidently within the power of the United States; to reimburse the whole of the Foreign Debt before the year 1809, by direct payments from the proceeds of revenue, may be practicable. It is, however, most probable that occasional loans, with a view of postponing the final reimbursement of the whole or some part of the said debt until after the year 1818 will be judged advisable.

From a general view of the operation of the systems of taxation established in the several States, it appears that, in apportioning a direct tax, to be collected under the authority of the United States, an allowance ought to be made for a defalcation of fifteen per centum, on account of abatements to indigent and unfortunate persons, for erroneous assessments or calculations, and for charges and expenses of collection.

Assuming these data, it is proposed that there be laid upon the United States a direct tax of

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\$1,484,000, and that the same be apportioned to the several States in the following manner:

To the State of Vermont	-	-	\$28,000
To the State of New Hampshire	-	-	56,000
To the State of Massachusetts	-	-	196,000
To the State of Rhode Island	-	-	28,000
To the State of Connecticut	-	-	98,000
To the State of New York	-	-	140,000
To the State of New Jersey	-	-	70,000
To the State of Pennsylvania	-	-	182,000
To the State of Delaware	-	-	14,000
To the State of Maryland	-	-	112,000
To the State of Virginia	-	-	266,000
To the State of Kentucky	-	-	28,000
To the State of North Carolina	-	-	140,000
To the State of Tennessee	-	-	14,000
To the State of South Carolina	-	-	84,000
To the State of Georgia	-	-	28,000

Amounting to	-	-	1,484,000
From which there being deducted for abatements, erroneous assessments, and charges of collection, fifteen per cent., or	-	-	222,600

There will remain the estimated nett proceeds of the proposed tax, being - 1,261,400

An account of the systems of taxation at present prevailing in the several States, and information on various points connected with the subject under consideration, is next proposed.

OF VERMONT.

The taxes imposed in this State, whether for the use of the State, or of counties, towns, societies, or other subordinate communities, are levied by one rule, that is, in proportion to a general list of ratable objects, composed of the following particulars:

Polls, of male persons from twenty-one to sixty years of age, are rated at six pounds each.

Lands, after being improved two years, either for pasture, ploughing, or mowing, or stocked with grass, and within enclosure, at ten shillings per acre.

Oxen, four years old and upwards, at three pounds each.

Other neat cattle, three years old and upwards, at two pounds.

Neat cattle of two years old, at one pound ten shillings.

Neat cattle of one year old, at fifteen shillings.

All horse kind, except stud horses of three years old and upwards, at four pounds.

Horse kind, of two years old, at two pounds.

Horse kind, of one year old, at twenty shillings.

Stud horses of two years old and upwards, at twenty pounds.

Money, on hand or due, or obligations for goods or produce over and above all debts due by the individual creditors, at twenty per centum of the amount, to be exhibited on oath, if required; to which may be added—

Assessments proportioned to the profits of all lawyers, traders, and owners of mills, according

to the judgment and discretion of the listers or assessors.

Exemptions from the assessment on polls are allowed in favor of settled ministers of the Christian religion, the president and tutors of colleges, constant schoolmasters, students of colleges, until three years after receiving their first academical degrees; as, also, in favor of persons disabled by sickness or infirmity. The ratable estates of settled ministers, and the president of the college, lying in the towns where they live, and not exceeding five hundred pounds in value, are also exempted, together with all lands sequestered and improved for schools and other public, pious, and charitable uses. An exemption from taxation, for ten years, is, moreover, allowed for lands properly cleared and tilled for orchards, and planted with apple trees, and containing not less than forty trees upon an acre.

Lists of the ratable estates of individuals are collected in the following manner: At the annual town meetings in March, the inhabitants of each town elect a number of officers, styled *listers*, who are sworn to a faithful discharge of their office. In the month of May, annually, the inhabitants are warned to exhibit, before the 10th day of July following, lists or written accounts of the ratable polls and estates of which they are respectively possessed, on the 20th day of June. To these lists, as exhibited by individuals, the listers add such sums as they judge reasonable, in cases where the law requires assessments to be imposed on professions and occupations.

Lands are, in all cases, rated in the towns where the lands lie; but cattle on farms, not under the management of a tenant, are rated in the towns where the owners live. No warning by the listers is required beyond the limits of a town.

The sums total of the ratable property, in each town, are returned by the listers to the General Assembly in October, with certificates that they have been sworn to a faithful discharge of their trust; in case of omission or neglect, the listers become liable to a penalty, and the town, in respect to which the omission happens, becomes subject to be assessed, at the discretion of the General Assembly.

The possession of ratable articles on the 20th of June is, by law, declared to be presumptive evidence of property, and, if not included in the list of the possessor, he becomes liable to a two-fold assessment; on proof being made to the listers, at any time before the 25th of September, that the articles omitted to be returned were, on the 20th of June, the property of some other person than the possessor or occupant, relief may, however, be obtained.

The compensation allowed for the services of listers, arises from the taxes on two-fold assessments, one-half of which accrue to their benefit.

When individuals are aggrieved by the decisions of the listers, either in respect to two-fold assessments, or by assessments on the profits of certain professions and occupations, an appeal is allowed to a justice of the peace and two selectmen of the town, who, after notifying two or more

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of the listers, may proceed to make a final decision.

The first constables are collectors of taxes, and are chosen by the inhabitants of the respective towns, which are responsible for their conduct; when a tax is granted by the State, a warrant is issued by the treasurer, directed to the collector, declaring the rate or proportion of the tax, the sum due by the town, and the time prescribed for payment into the treasury. It then becomes the duty of the selectmen to apportion the said tax among the inhabitants of the town, according to their respective lists, and to deliver a statement thereof to the collector, by which to regulate his demands upon individuals; a time and place is then appointed by the collector for receiving the tax, which the inhabitants are bound to observe; on failure of payment at the time and place appointed, the collector may afterwards distrain the goods and chattels of delinquents for the amount of the tax, with an addition thereto of one-twelfth part for extra trouble and expenses. Where no goods or chattels can be found or are tendered, the person of the delinquent may be committed to prison. If the delinquent abscond, and no goods or chattels can be found, the lands of the delinquent become liable, of which a sufficient quantity for the payment of the tax and the necessary charges, may be sold at public auction. Prior to the sale of lands, notice of the proposed sale must, however, be given for three weeks in the town in which the land lies, and in two adjoining towns; as, also, in one or more of the newspapers printed in the State. Lands sold for the payment of taxes may, however, be redeemed at any time within one year after the sale, by the payment or tender of the sum advanced by the purchaser, with interest at the rate of twelve per centum per annum.

When a collector is delinquent in collecting and paying over a tax entrusted to his management, it becomes the duty of the treasurer to issue a warrant, directed to the sheriff of the county, commanding him to collect the sum unpaid, by distraining the goods, chattels, and estate, of such collector. In case a sheriff omits to execute the warrant of the treasurer against a delinquent collector the treasurer is empowered to issue a like warrant against the sheriff, directed to a constable of the town in which the sheriff lives; and if a constable, in such case, should omit to collect the tax from the sheriff, he, in turn, becomes liable, and the treasurer may commit the collection of the sum unpaid to any other person, at his discretion.

When a collector of a tax becomes insolvent, the treasurer may issue his warrant against the selectmen of the town, directed to the sheriff of the county, who, in this case, become liable for the arrearages due by the insolvent collector. The selectmen may, however, indemnify and reimburse themselves, by assessing a sufficient tax upon the town, for collecting which, the warrant of any one justice of the peace is a sufficient authority.

Though the office of collector is, by law, attached to that of first constable, which depends

upon an annual election by the people, yet, in respect to unpaid taxes, the powers of the collector continue until a final collection and settlement can be effected; and, in case of the death of a collector, his powers and responsibility, while living, descend to his executors or administrators. If, however, a collector remove out of the State, or die, and his estate is found to be insolvent, the people of the town may proceed to the choice of a new collector.

All persons employed in the collection of taxes possess the usual power and authority of sheriffs, and may command any assistance necessary to the performance of their duty.

OF NEW HAMPSHIRE.

The Constitution of this State directs, that a valuation of all estates shall be made, at least, once in five years, under regulations to be prescribed by the General Court or Legislature. The last valuation was made by the selectmen of the several towns, in 1793, and confirmed by law, in, February, 1794. In taking said valuation, the proportions of the different articles, of ratable property were estimated in the following ratio:

Polls of male persons, from eighteen to seventy years of age, at eight shillings each.

Orchard land, accounting for an acre, a sufficient quantity to produce, on an average of several years, ten barrels of cider or perry, at one shilling and sixpence per acre.

Arable land, accounting for an acre, a sufficient quantity to produce, on an average of several years, twenty-five bushels of Indian corn, or other grain equivalent, at one shilling per acre.

Mowing land, accounting for an acre, a sufficient quantity to produce, on an average of several years, one ton of English hay, or other hay equivalent, at one shilling per acre.

Pasture land, accounting for four acres, a sufficient quantity to support, on an average of several years, one cow, at fivepence each acre.

Unimproved lands, and all buildings, whether owned by inhabitants or non-residents, at one-half of one per cent. of the real value.

Stud horses, two years old and upwards, at one pound ten shillings.

Other horse kind, four years old and upwards, at three shillings.

Oxen, four years old and upwards, at three shillings.

Cows, four years old and upwards, at two shillings.

Other neat cattle, three years old and upwards, at one shilling and sixpence.

Other neat cattle, two years old, at one shilling.

Other neat cattle, one year old, at sixpence.

All stock or property of tanners, curriers, blacksmiths, or other tradesmen, employed in the business of trades, at one-half of one per centum.

All stock in trade of merchants, shopkeepers, or other traders, reckoning the same at the average value thereof for a year, at one-half of one per centum.

All money on hand, or at interest, more than

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the owner pays interest for, and all property in public funds, estimated at its real value, at three-fourths of one per centum.

Mills, wharves, and ferries, at one-twelfth part of their yearly nett income, after deducting repairs.

The polls and ratable property returned from the different towns, with the assessments upon such towns as did not comply with the act prescribing a valuation, amounted, in 1794, to forty-two thousand and ninety-nine pounds six shillings and fourpence, or one hundred and forty thousand three hundred and thirty-one dollars and five cents. In proportion as the lists of the several contributed to this amount, their quotas were established by law, to continue until a new valuation may be made. The quantities of the different kinds of ratable property, of which the list was composed, will be seen by reference to an annexed document, A.

When a tax is granted by the State, the quotas of the several towns are calculated according to the rule above mentioned; warrants are then issued by the Treasurer of the State, directed to the selectmen, requiring them to assess the said quotas upon the inhabitants. The assessments upon individuals are governed by the principles of the rule by which the quotas of towns are determined. The selectmen are, therefore, empowered to require, annually, inventories of the polls and ratable property of the inhabitants. The time for taking these inventories, is the first day of April in each year. Those who omit to exhibit inventories, or refuse to verify the same on oath, when required, may be doomed or assessed by the selectmen, as they judge equitable. In cases where it is discovered that there has been a fraudulent concealment of ratable property, by an individual, the selectmen are empowered to increase the assessment to four times the amount at which the concealed property would otherwise have been rated.

The selectmen are empowered to abate taxes, and to correct erroneous assessments. Individuals who are aggrieved, may, within nine months after notice of an assessment, apply by petition to the court of sessions of the peace for the county, whose judgment is conclusive.

To prevent trouble and expense from repeated collections during the same year, the selectmen may include, in one tax bill, the taxes granted by the State, the county, and the town, with an addition of five per centum to cover defalcations arising from abatements or other causes; the surplus of which, if any is found to remain, accrues to the treasury of the town.

Collectors of taxes are either chosen by the inhabitants, or they may be appointed or employed by the selectmen, from whom they receive tax bills, with warrants to collect the sums therein expressed. The selectmen are directed to cause their proceedings, in assessing taxes, to be recorded by the town clerks, and to make returns to the treasurers of the State, county, and town, of the sums assessed to be paid to them respectively, with the names of the collectors, the dates of

their warrants, and the time therein prescribed for the settlement of the taxes entrusted to them for collection.

In cases where the selectmen neglect to assess a tax pursuant to a warrant from the treasurer, their persons and estates become liable to the payment of the tax, which may be taken and distrained for the same. When the name of the collector is not returned to the treasurer, pursuant to warrant, the selectmen also become liable, and are, moreover, precluded from any remedy against the town for any costs and expenses attending the collection, exceeding the quotas mentioned in the treasury warrant. If the estates of the selectmen are found to be insufficient, or their persons cannot be taken and imprisoned, the treasurer may issue his warrant against the inhabitants of the town generally, who, in this case, become, jointly and severally, responsible.

The collectors of taxes are required to give fourteen days' notice of the sums assessed upon individuals, before they proceed to collect the same by distress; and in no case is it lawful to take by distress the tools or implements necessary to the trade or occupation of any person, nor his arms, or the necessary household furniture of a family.

For want of goods or chattels whereon to make distress, the person of the individual indebted may be taken and committed to prison.

When no personal estate can be found whereon to levy by distress, and the person of the delinquent cannot be taken, real estate may be taken and sold for the payment of taxes, under certain prescribed regulations, calculated to give publicity to the sale. On the sale of real estate, according to law, the collectors may execute conveyances, defeasible within one year, by the payment or tender of the sum advanced, with interest and costs.

The powers of collectors continue until the taxes committed to their management are finally adjusted. Their compensations are various, and depend upon agreements with the selectmen of the several towns; on a medium calculation, they are estimated from four to five per centum on the amount of the taxes. It is customary to require bonds, to secure the towns against their delinquencies.

The time, commonly prescribed for collecting and paying a tax into the treasury, is one year. In what degree the requirements of law, in this respect, have been fulfilled, is not ascertained. It is to be inferred, from the information received, that delays beyond the prescribed term frequently occur, and that, when heavy taxes have been imposed, arrears have remained uncollected for several years, which have been afterwards entirely remitted. The principles of the system of taxation, now established, have been generally approved by the people of the State.

The existing debt of the State is inconsiderable, and is likely to be entirely discharged in a short time. The whole expense of supporting civil government, paid by the State, is estimated at about twenty-eight thousand six hundred dol-

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lars per annum. The aggregate amount of county, town, and parochial taxes, is known to be more considerable, though not ascertained.

* OF MASSACHUSETTS.

The Constitution of this State provides, that, while the public charges of Government, or any part thereof, shall be assessed on polls and estates, in the manner practised prior to the establishment of the said Constitution, there shall be a valuation of estates taken, once in ten years, and as much oftener as the General Court or Legislature shall direct.

The valuation under which taxes are, at this time, assessed, was taken in pursuance of an act passed on the 22d of February, 1792.

By this act, the assessors of the different towns, districts, and plantations, (officers always existing,) were directed to take and lodge in the office of the Secretary of State, on or before the 10th day of October, 1792, true and perfect lists of all male polls, including negroes and mulattoes, sixteen years old and upwards, whether at home or abroad; distinguishing the polls of persons from sixteen years to twenty-one years of age, from those of persons twenty-one years of age and upwards, and also distinguishing the polls of persons exempted from taxation. Also, particularly mentioning dwelling-houses, with shops within the same, or adjoining thereto, shops separate from dwelling-houses, tan-houses, slaughter-houses, sugar-houses, pot and pearlsh works, ware-houses, wharves, grist mills, fulling mills, saw mills, iron works and furnaces, bake-houses, and all other buildings and edifices of the value of five pounds and upwards; the number of tons of vessels, and small craft of every kind, upwards of five tons burden, whether at home or abroad; the amount of each person's whole stock in trade, including all goods, wares, and merchandise, at home or abroad, paid for or not paid; also, those in their hands by factorage; Government securities of all kinds, distinguishing those of the United States; all moneys placed out at interest, exceeding the sums due on interest by the individual creditors; moneys on hand, including moneys deposited with an agent, or in any bank; stock owned by stockholders in any bank; ounces of plate of all kinds; horses and neat cattle, of three years old and upwards; and swine of six months old and upwards.

In rendering lists of lands, the assessors were directed to distinguish the improvements thereon by the following criteria: The number of acres of pasture land, with the number of cows which the grass of each entire farm would support, together with the number of barrels of cider produced, on an average of several years, upon each farm; the number of acres of tillage land, with the number of bushels of grain or corn of all sorts usually produced; the number of acres of salt marsh, with the tons of hay usually produced; the number of acres of English upland and fresh meadow, mowing land, with the tons of hay of each sort usually produced; the number of cows, let out, according to

a custom, by which a proportion of their increase is reserved to the owners; the number of enclosed acres of woodland; also of lands unimproved, owned by individuals and by towns; of lands unimprovable, or used for roads, or covered with water; distinguishing each by estimate.

In making up the returns above mentioned, provision was made for exempting from valuation the polls of the president, fellows, professors, tutors, librarian, and students of Harvard College; of settled ministers, of grammar school-masters, and masters of the several incorporated academies, with their estates, under their own actual occupation and improvement, and also all the estates belonging to Harvard College, and the said academies.

The object of this minute detail of the different species of property possessed by the inhabitants, was to obtain information of the sources of the revenue or income of the whole State, and thereby to establish an equitable ratio of contribution for the several counties and towns. It was specially declared in the act, that the enumeration of the articles of the produce of the lands should not be taken into consideration in forming the valuation, for any other purpose than for ascertaining the relative value of lands in different districts. In collecting and making up the returns, the assessors were under oath faithfully to execute their trust; and they had power to require of individuals, a verification, on oath, of the lists of property by them respectively exhibited. In cases of neglect to exhibit written lists of property subject to valuation, or of refusal to attest the same on oath or affirmation, the assessors were authorized to doom or assess the individuals so neglected or refusing, according to a conjectural estimate of their property.

The result of the returns taken, according to the act before mentioned, is annexed, (B.) In determining the quotas of towns, all property, except unimproved lands, was estimated at six per centum of its supposed real value; and unimproved lands at two per centum of the real value. At these rates, the wealth of the whole State was found to be nine hundred and thirty-seven thousand six hundred and ninety-eight pounds four shillings and two-pence half-penny, lawful money; upon which sum, in combination with an assessment on polls, hereafter mentioned, the quotas of the several counties, towns, and plantations, in a tax of one thousand pounds upon the State, were established, and by these quotas, taxes are now imposed. The number of taxable polls returned, was one hundred and six thousand one hundred and sixty-seven; which were assessed one half-penny each, or two ninth parts of a tax of one thousand pounds upon the State.

The proportions of taxes payable by counties and towns, being thus settled by a rule which may continue for ten years, unless changed in consequence of a new valuation, they are assessed upon individuals, and collected under the following regulations:

In the month of March or April, annually, when other town officers are chosen, the inhabitants of

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the respective towns, severally, elect three, five, seven, or nine assessors, who are sworn to a faithful discharge of their duty. A person chosen to be an assessor, and refusing to take the oath, becomes liable to a fine of five pounds; which may, however, be remitted by the court of the general sessions of the peace, at their discretion.

If a town omits to choose assessors, or they refuse to serve, the selectmen become assessors, of course. If a town omits to choose either assessors or selectmen, or if they omit to do their duty, assessors may be appointed by the court of the general sessions of the peace for the county; who, in addition to their other duties, may be authorized to assess a fine upon the town, not exceeding one hundred pounds, nor less than thirty pounds, as may be determined by the court. The compensation allowed to assessors chosen by the towns, is four shillings per diem, while employed in service; and to assessors appointed by the court of general sessions, ten shillings per diem, payable, in both cases, out of the town treasuries.

When a tax is granted by the State, the treasurer issues his warrant, directed to the assessors, commanding them to assess the proportion or quota of the town; the sum to be assessed on each poll is always expressed in the treasurer's warrant, and is, as nearly as may be, one half-penny for each thousand pounds of the tax laid upon the State. The tax on polls being uniform, is assigned to each individual; a sufficient sum to secure a collection of the remainder of the town quota, is then apportioned upon estates. In this apportionment the assessors are directed by the treasurer's warrant, in which reference is had to the objects of taxation, and rules of estimating the same, which governed in fixing the last valuation. In making out the assessments upon individuals, the assessors are required to distinguish the proportions assessed for polls, for real estates, and for personal estate and income; also the number of acres of unimproved land for which a tax is assigned to a non-resident proprietor, and the value at which the same is estimated; also the tax assessed to any person upon property held in trust for others. The warrant moreover directs, that, when the list is completed and signed by a majority of assessors, it shall be delivered to the collector of the town, with a warrant and direction for collecting the sums therein expressed, and paying the quota of the town over to the treasurer, by a certain day. It also prescribes a day for rendering a return to the treasurer of the name of the collector.

If, for any reason, there be no assessors to execute the treasurer's warrant before mentioned, or if they neglect to perform the duties enjoined on them for the space of five months, it becomes the duty of the treasurer to issue a warrant, directed to the sheriff of the county, commanding him to collect the amount of the tax by distress and sale of the estates, real and personal, of any of the inhabitants of the delinquent town. On receiving this warrant, it becomes the duty of the sheriff forthwith to transmit an attested copy thereof to

the selectmen or town clerk of the delinquent town; if, however, within sixty days, the sheriff receive a certificate that the taxes required by the warrant have been assessed, he may return the same unsatisfied, to the treasurer.

The process pursued in executing the treasurer's warrant to assessors is similar to that before described for taking a valuation; that is, a time is prescribed, by notification to the inhabitants, for exhibiting lists of their polls and ratable property; such as omit a compliance, or as refuse to verify their lists on oath, when required, are liable to be doomed or assessed, at discretion.

Persons aggrieved by erroneous or excessive assessments, may obtain relief by application to the court of general sessions of the peace for the county.

It is a general rule to make a list for every tax which is granted; but when county or town taxes are so small as to render a separate assessment inconvenient, they may be combined with other taxes, and collected together. To cover defalcations arising from abatements, and for the purpose of avoiding inconvenient fractional divisions, the assessors may apportion, beyond the sums proposed to be raised, a surplus or addition of five per centum; provided, that such addition does not exceed forty pounds in the whole, for any town. When the assessors have completed an assessment, copies of their proceedings are lodged in the office of the clerk or register of the town.

The collectors of taxes are chosen by the inhabitants of towns, at their annual meetings, and are sworn to a faithful and diligent discharge of their trust; if no collectors are chosen, the constables are collectors, of course; in towns where no constables are chosen, the taxes are collected by the sheriff of the county or his deputies.

The towns agree with the collectors upon the sums which they are to receive for collecting taxes, and their compensations are paid by the towns respectively; these compensations vary from three to five per centum on the sums collected; when the collections are made by the sheriffs or their deputies, (in consequence of omissions to choose collectors or constables,) they are allowed to take a commission of five per centum of such persons as voluntarily pay the sums assessed upon them within thirty days after a public and general notification and demand; those individuals who neglect to pay their proportions for a longer term, become liable to the charges incident to a levy and collection by distress.

The powers of collectors are derived from warrants granted by the assessors or selectmen; these warrants accompany the lists of assessments upon individuals, and specify the quota payable by a town, the time when it is to be settled with the treasurer, and the duties of the collectors.

Unless there is reason to suspect that a person from whom a tax is due is about to abscond, no collection by distress can be made until twelve days after a demand; after twelve days, goods and chattels sufficient to satisfy the tax may be taken. The goods and chattels so taken must, however, be kept four days, at the risk and charge

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of the owner, after which, and a public notification of the proposed sale, during two days, they may be sold at public auction. If goods and chattels sufficient to satisfy the tax are not presented by the debtor, his person may be taken and committed to prison, there to remain until discharged according to the usual course of law, or in consequence of an abatement of the tax by the assessors. It is not lawful to make distress of the tools or implements of a trade or occupation, beasts of the plough necessary for the cultivation of improved lands, arms, or the household utensils, or apparel necessary for a family. When a person removes from a town, leaving a tax unpaid, the collector may pursue him and take his goods by distress, or his person, in any part of the State where he may be found.

When no person appears to pay the taxes on unimproved lands of non-resident proprietors, or improved lands of proprietors living out of the State, the collectors are to advertise the same for three weeks successively, in the newspaper printed by the printer to the State; as also in the town where the lands lie, and in three adjacent towns; describing particularly the said lands, and mentioning the taxes remaining unpaid, and the time proposed for a sale. If the taxes be not paid in consequence of such advertisement, a quantity of the lands sufficient to pay the taxes and incidental charges may be sold by the collectors, who may grant conveyances therefor, defeasible in two years, by the payment of the sums for which the sale was made, and intervening charges, with interest at the rate of ten per centum per annum. The purchaser is in the meantime, however, restrained from committing any waste or destruction of the timber on the lands so purchased. When the owners of improved lands, or other real estates, remove from the towns where they resided when taxes were assessed, leaving the same unpaid, and no personal property to satisfy the said taxes can be found, the collectors may, after three months, proceed to sell the same under the provisions and conditions before mentioned. To prevent the sale of lands without due notice, it is, however, provided that, when non-resident proprietors shall have authorized, in writing, agents or attorneys, dwelling in the towns where the lands lie, to pay the taxes accruing thereon, and shall have caused their written authorities for this purpose to be recorded in the offices of the town clerks, the collectors shall not proceed to advertise for sale the lands of such non-resident proprietors until the expiration of two months after a personal or written demand of such agents or attorneys and a failure of payment.

When taxes are made payable at two different periods, and a person assessed is about to remove from the town, the whole of the tax, although the same may not have become due, may be demanded at one time; and, if necessary, be collected by distress. The powers of collectors continue until the taxes committed to them are fully settled, although the time for which they were elected be expired; and if they are hindered or obstructed in the execution of their duty, they may, both

within and without the limits of their respective towns, command assistance, under a penalty of fine or imprisonment, if such assistance be not afforded. Personal property of a tenant found on lands at any time within nine months after a tax bill is committed to a collector is liable to be distrained for the taxes assessed on the lands in his occupancy; the proprietor of the land is, however, in this case, answerable for the value of the property distrained. If the collector forbears to levy the tax during nine months, he may not afterwards proceed, except against the person of the proprietor, or by sale of the lands in the manner before described. When persons indebted for taxes abscond or conceal their property, collectors of taxes are allowed the same remedies against their agents, factors, or trustees, as other creditors have for the recovery of their debts.

When a collector is delinquent in collecting or paying over the sums expressed in his rate bills, it becomes the duty of the treasurer to issue a warrant, directed to the sheriff of the county, returnable in ninety days, commanding him to levy the sums in arrear, by distress and sale of the real or personal estate of the delinquent collector; and, for want of estate, to commit his body to prison. If the sheriff fail to execute the warrant, or to pay the sums collected, a like warrant, directed to the coroner of the county, may be issued against the real and personal estate of the sheriff.

When no estate of a delinquent collector can be found by the sheriff, or his estate is insufficient, or when the person of the collector cannot be taken, or, being taken and committed to prison, the tax remains unsatisfied for the term of three months, the town becomes responsible, and liable to a new assessment for the deficiency. It then becomes the duty of the treasurer to notify the assessors of the town of the failure and delinquency of their collector, and to require them to reassess the deficiency, and to commit the collection thereof to a new collector. On failure of compliance for more than three months, the assessors become liable to be proceeded against in the same manner as against delinquent collectors. The property of delinquent collectors, at any time acquired, is held responsible for sums reassessed upon towns, in consequence of their neglect, and for all damages occurring thereby. When collectors die, their executors and administrators are responsible for all sums actually collected, to the full amount of all assets in their hands; and if they fail, for more than two months after the decease of the collector, to make up and settle their accounts with the assessors, they become, in like manner, responsible for any sums remaining uncollected.

When a warrant of distress is directed by the treasurer against a delinquent sheriff, deputy sheriff, or collector, and lands or real estate are taken, fourteen days' notice of a proposed time of sale must be given in at least two public places in the town where the estate lies, and also in two adjoining towns; after which, the officer executing the warrant may proceed to make sale of the estate at public auction, and may execute a valid

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conveyance therefor. If the estate taken is insufficient to satisfy the warrant and the charges of sale, the treasurer may issue an *alias* warrant or execution, which may be levied on the person of the delinquent deputy sheriff or collector.

When a collector has been taken by a warrant from the treasurer, or is supposed to be about to remove out of the State, the assessors or selectmen may require a surrender of the tax bill in his hands, with the evidences of the sums by him collected, and may convene the inhabitants of the town for the purpose of electing a new collector. If a collector abscond or secrete himself for one month, the selectmen or assessors may proceed, by a declaration, filed in the supreme judicial court, to obtain judgment of outlawry; if, however, the collector afterwards surrender himself, and pay the taxes by him due, and all costs of the process against him, and cause the settlement thereof to be recorded in the supreme judicial court, such record will operate, and be a full reversal of the judgment of outlawry.

When the estate of an inhabitant, not being an assessor, is taken by a warrant of the treasurer, issued against the inhabitants of a town generally, the inhabitant whose estate is so taken is entitled to an action against the town to recover the full value of the estate taken, with costs and interest, at the rate of twelve per centum per annum.

There are at present in Massachusetts seven-teen counties and about three hundred and eighty towns or districts, liable to be assessed for the payment of taxes. Some towns elect but one collector, others three or four, as is judged most economical or convenient. In the treasurer's books one account is opened with each town or collection district for the whole amount of the tax; if there be more than one collector, the sums which each is to pay are separately detailed. All payments are passed to the credit of the town generally, expressing, however, by whom made.

The regulations and provisions before mentioned have been found sufficient to ensure the final payment into the treasury of the taxes hitherto imposed by the State. The degrees of punctuality with which settlements have been effected are understood to have been various, according as the taxes have been more or less burdensome. Of a tax of about one hundred and fifty thousand dollars, granted in June, 1794, and directed to be paid into the treasury by the 1st day of April, 1795, about eleven thousand dollars were paid by the time prescribed; seventy-one thousand dollars, including the payment first mentioned, within three months; eighty-eight thousand dollars within six months; one hundred and nine thousand dollars within nine months; one hundred and thirty-one thousand dollars within twelve months; and one hundred and forty-five thousand dollars within fifteen months after the time limited. As this was a tax of ordinary magnitude, and one of the last which has been imposed, it is supposed to afford a fair illustration of the operation of the revenue system under which it was collected.

The debt of the State is estimated at two millions three hundred and fifty thousand dollars, bearing an interest of five per centum per annum, or - \$117,500

The funds out of which this interest is paid are the dividends on stock of the Union Bank held by the State, estimated at - - \$34,300

Interest on the debt due by the United States on the settlement made by the commissioners - - - 57,518

Amounting to - - - 91,818

The deficiency being - - - 25,682
is supplied by an annual tax on polls and estates.

The annual expenses of supporting the Government of the State are estimated at about one hundred and twenty thousand dollars; consequently, the annual taxes cannot be less than one hundred and forty-five thousand dollars. (C.)

The proceeds of certain lands are by law appropriated, in the hands of commissioners, to the purchase of the debt due by the State, with the interest of debt so purchased; by the operation of this fund, about three hundred thousand dollars have been already redeemed.

It is understood that the county and corporation taxes very considerably exceed those imposed by the State.

OF RHODE ISLAND.

The mode of assessing and collecting in this State is understood to have been essentially the same as at present, from an early period of its settlement; for, though various alterations have been made, none of them have been of a nature to affect the principles of the system.

At present, taxes are assessed on polls and on the collective mass of property owned by the inhabitants of the State, both real and personal. The only exceptions which appear, in an act passed in June, 1795, for taking a general estimate of ratable property, are household furniture, excepting plate, farming utensils, the tools of mechanics, and one-quarter part of all property at sea. The last exception is understood to have been made merely in consideration of the risk incident to commerce.

The towns are the only collection districts; they are responsible to the State treasury for the proportions of taxes assigned to them by the Legislature. These proportions are ascertained by general valuations, which are from time to time directed to be taken, when an increased population, advanced improvements, or accumulations of wealth from commercial business, or other causes, are found to have changed the relations of wealth which subsisted at the time of taking a former valuation; the three last valuations were taken in the years 1767, 1778, and 1795. (D.)

The estimate according to which the quotas of the different towns are at present determined, was taken in the following manner:

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An act was passed by the Legislature in June, 1795, directing the towns to elect committees in the month of August following, to consist of not less than three, or more than five persons; which committees were directed to call upon the inhabitants of their respective towns and to require them to render, on oath or affirmation, true and perfect accounts of all their property, real and personal, with the exceptions before mentioned.

The committees were directed, in the next place, from the lists of property exhibited by individuals, the former valuation lists of the towns, and such other information as they might be able to obtain, to make out just estimates of the whole property of their respective towns; in performing which duty they were to be under oath.

By the act of the Legislature abovementioned, a committee of ten persons was appointed, who were directed to visit all the towns in the State, and after requiring the committees of towns to appear before them with their estimates, and the lists exhibited by individuals, they were empowered, on the best information which they could obtain, to fix the quotas of the several towns, and to report a general estimate of the ratable property of the State.

It was provided that, if any person should refuse to exhibit a list of his property to the committee of the town, it should be in the power of the committee of the State to fix such a valuation as they should judge proper; according to which, the delinquent individual should be liable to two-fold taxation; a like provision was also made for assessing and taxing a town, in case of an omission to elect a town committee, or of a general omission of the inhabitants to exhibit lists of their property.

By the valuation taken in the year 1767, the ratable property of the State was found to be seven millions three hundred and seventy-one thousand one hundred and eighty-six dollars seventy-seven cents. By the valuation taken in 1778, including that of the insular towns in Newport county, which was not taken till 1783, ten millions nine hundred and seventy-seven thousand nine hundred and nine dollars sixteen cents. And by the valuation taken in 1795, fifteen millions five hundred thousand dollars. Of the valuation taken in 1767, about three-fourths of the aggregate estimate appears to have arisen upon real, and one-fourth part upon personal property. Of the valuation taken in 1778, but little more than one-sixth part was estimated for personal property. No certain data have been obtained for ascertaining the proportion in which personal property contributed to the valuation in 1795. It however appears that the increase in the estimate has been principally owing to real or supposed accumulations in the commercial towns of the State, some of which have complained of undue assessments.

According to a principle established by long usage, the poll tax is uniformly six-pence on each poll, for every thousand pounds of a tax upon the State. Assuming as data, which cannot be materially erroneous, that there are twelve thousand ratable polls in the State, and that one fourth part

of the general valuation taken, in 1795, was founded on personal property, it will follow that taxes are assessed on real and personal property and on polls, in the following proportions:

On polls by an uniform rate -	\$300
On personal property, ad valorem -	175
On real estates, ad valorem -	525

Whole amount of a supposed tax - \$1,000

But, notwithstanding the general rule is supposed to be nearly as is above stated, it is understood that the individual towns are not necessarily confined thereto. By a vote of the freemen of Providence, the poll tax has been abolished, in respect to that town, where it has been resolved that all taxes shall be raised by an assessment on estates only.

The exemptions from taxation are in favor of the estates belonging to Rhode Island College, houses dedicated to public worship, and the polls of settled ministers of the Christian religion.

The apportionment of taxes upon individuals is performed by assessors, who are annually chosen by the inhabitants of the respective towns. When a town omits to choose assessors, it becomes liable to a fine of fifty pounds, recoverable by the treasurer of the State, by an action of debt against the treasurer of the delinquent town. Notwithstanding the obligation upon towns to choose assessors annually, it has, however, been usual to authorize new appointments, whenever a tax is granted by the State.

Prior to the assessment of a tax, the inhabitants are required to exhibit, on oath or affirmation, lists or accounts of their estates. Those who omit or refuse, are assessed at the discretion of the assessors, and are, moreover, precluded from any remedy by abatement. The value of the property exhibited in the lists of individuals, is determined by the judgment of the assessors. The court of general sessions of the peace of the county may, however, relieve against excessive valuations, and may award the payment of costs out of the town treasury.

When the valuations of property are ascertained, the sum to be raised by the uniform poll tax, before described, is apportioned, and the remainder of the tax is then distributed by a poundage rate, in proportion to the lists of property possessed by individuals. The completed tax bills are then delivered to the town clerk, by whom a copy is made and certified to the treasurer of the State, with the name of the collector for the town.

Collectors are chosen by the inhabitants of towns, which are responsible for their conduct; they are authorized to proceed in collecting taxes, by warrants from the treasurer of the State, affixed to the copies of tax bills, transmitted to him by the town clerks. As a security against the delinquencies of collectors, it has become an universal practice for the towns to require sureties for their fidelity.

The collectors may distrain goods or chattels for the payment of taxes, and for want thereof may commit delinquents to prison. When goods

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and chattels are not to be found, the lands of persons living out of the limits of the State may be sold and conveyed by a collector; due notice being previously given by advertisement in the newspapers printed within the State.

When collectors were delinquent, it was formerly the practice, authorized by law, for the treasurer of the State to issue warrants of distress against their goods and chattels; and for want thereof, to commit their bodies to prison. Of late, a different rule has obtained; when the quota of a town is not paid into the treasury, by the day prescribed, a warrant is issued by the treasurer of the State, against the treasurer of the delinquent town, who may proceed in a summary manner against the delinquent collector and his sureties. All charges incident to a warrant against a town treasurer, may, in addition to the original tax, be collected of the individuals who remained delinquent at the time of issuing the said warrant. The towns are responsible for interest on the sums not paid into the State treasury by the time prescribed, which interest may be collected of the individuals in arrear.

All expenses of assessing and collecting taxes, are paid by the towns respectively; when the rule of compensation is not varied by special agreement, the assessors are entitled to one and three quarters per centum, for apportioning, and the collectors to five per centum, for collecting a tax. The actual expense of collection is various, but, in consequence of competitions for the office of collector, which have been encouraged by the towns, this expense has been reduced to three and three quarters per centum, and, in some instances, as low as two and a half per centum.

The taxes lately imposed have been moderate, and have been well collected. Of a tax for twenty thousand dollars, granted in October, 1794, payable on the first of February, 1795, two thirds were paid in three months, and the whole in nine months after it became due.

The expenses of the State Government are annually about five thousand dollars, exclusive of the expenses attending the erection of State-houses and prisons, which, for several years past, have averaged about eight thousand three hundred dollars more. The amount of country and town taxes cannot be ascertained.

The State is indebted about ninety-eight thousand dollars, for discharging which no resource is known to exist except revenue from taxation.

OF CONNECTICUT.

Taxes are imposed in this State according to a system which has obtained from an early period, without any radical change or alteration.

The objects specifically enumerated in the law now in force, are polls, lands, and the stock of farms, with certain exemptions; houses, carriages for the conveyance of persons, plate, clocks and watches, credits on interest, exceeding the debts due on interest by the individual creditors, excepting loans to the State and the United States; to which may be added assessments proportioned to the estimated gains or profits arising from any,

and all, lucrative professions, trades, and occupations, excepting compensations to public officers, the profits of husbandry, and common labor for hire. The proportions in which taxes were imposed on the several ratable objects, in the year 1795, will appear from the annexed document E.

The distribution, assessment, and collection, of taxes upon these objects, are performed in the following manner.

In the month of December, annually, the inhabitants of the respective towns are convened, pursuant to a permanent law, for the choice of town officers. A description of officers is then chosen, denominated *listers*; the number of these officers, in each town, is determined by the inhabitants; previously to entering on their duties, the listers are sworn to a faithful and diligent execution of their trust. In the month of July, annually, the listers, by notification at some public place, in each society of their respective towns, require the inhabitants to exhibit, on or before the tenth day of September following, lists or inventories of the ratable property by them respectively owned, on the twentieth day of August, which day is assigned by law for taking the lists of ratable property throughout the State.

Immediately after the tenth day of September, the lists or inventories of ratable property, returned by the inhabitants, are, by the listers, collected and arranged; of these, an aggregate list or statement is formed, exhibiting the quantities and ratable value of the different taxable objects, as, also, the particular sums assessed upon trades and professions. From the list of polls, the listers then, in conjunction with the civil authority and selectmen, abate or deduct the polls of persons disabled by sickness or other infirmity; it is, however, provided, that such abatements or deductions may not exceed one tenth of the number of polls borne on the list of the town; the aggregate list of the town, after the abatement of polls is made, is then returned to the General Assembly, at their annual session in October.

After the return of the aggregate list to the General Assembly, the listers meet, and enter upon a scrutiny of the lists exhibited by the individual inhabitants, which continues from time to time, as circumstances require, until the close of the year. During this period, inquiries are made respecting ratable property, which may have been omitted, and such as is discovered to have been omitted through fraud or neglect is assessed four-fold. The additions to the list, in consequence of accidental omissions, and the amounts subjected to four-fold taxation, are then arranged and reduced to a new aggregate, which is returned to the General Assembly, in May following. In case of an omission to make up and transmit to the General Assembly the aggregate list, in October, or the additions and four-fold assessments in May, together with a certificate that the listers have taken the oath prescribed by law, they become subject to a fine, and the town in which the omission happens is, moreover, liable to be doomed or assessed, at the discretion of the General Assembly.

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The amounts of ratable property, in each town, and the proportions in which it is possessed by individuals, being definitively settled for the year, by the result of the scrutiny ending on the last day of December, the listers are required by law, some time in the month of January, to make out lists or statements, containing, in alphabetical order, the names of the inhabitants, their ratable property, and the amount of the lists of each individual. In these lists or statements the inhabitants are classed according to the societies or religious corporations to which they respectively belong. When the lists are completed, they are delivered to the town clerk, or register, and form a part of the records of the town.

By means of the aggregate lists returned to the General Assembly, a general statement of the ratable property possessed in the State, and in each county and town, is annually framed; and by a reference to the offices of the town clerks, the list of any society, or individual, may at any time be known.

According to these annual lists of ratable property, all taxes are imposed, whether for the use of the State, or for the use of any county, town, or society. When a sum of money is required, a calculation is made of the rate or proportion necessary to be imposed, on the aggregate list, and by knowing the rate or proportion of the tax granted on the aggregate list, every individual can readily ascertain the sum with which he is charged.

Errors in the aggregate lists, which affect the proportions of towns, are rectified by the treasurer, on receiving satisfactory certificates from the listers, pointing out the causes of such errors. When individuals are affected by errors or overcharges, they may receive redress by applying to the listers; but, if the listers refuse relief, an appeal is allowed to a tribunal, consisting of two justices of the peace, and three selectmen of the town, who, after notifying two or more of the listers, may proceed to a final decision. All applications, by individuals, for relief against errors or overcharges, must, however, be made on, or before, the twentieth of April next, after the error or overcharge occurred.

The property of non-residents is taxed in the same manner as that of inhabitants. The exemptions from taxation are in favor of settled ministers of the Christian religion, and the President of Yale College, whose polls and their estates, lying in the society or town in which they dwell, together with all lands or buildings sequestered for schools, or other public or pious uses, are exempted.

The listers are, by law, entitled to receive, from the town treasuries, a compensation of thirteen cents upon every thousand pounds of the sums included in the lists of the respective towns; besides which, one half of all the taxes collected upon four-fold assessments accrue to their benefit.

The collectors of taxes are chosen by the towns, respectively, which are responsible for their delinquencies; in some cases, bonds, with sufficient sureties, are required, as a condition of appoint-

ment; in all cases, the selectmen have a controlling power over the conduct of collectors.

When a tax is granted by the State, the treasurer, without special direction, but as a matter of course, issues his warrants directed to the collectors, requiring each of them to collect a certain sum, which is always a poundage rate upon the lists of the several towns; of the sums expressed in the warrants, the civil authority and selectmen are, however, authorized to abate one eighth part, which is never collected, but applied to the relief of indigent or unfortunate persons; by means of this provision, the operation of a general rule of taxation is reconciled with equity, in particular cases.

There is, also, allowed annually, out of the taxes granted by the State, the sum of two dollars upon every thousand dollars of the aggregate lists of the several towns, as a partial support for public schools; this allowance, in a fiscal view, is equivalent to an additional abatement or deduction from the annual taxes.

The collectors have the usual powers of sheriffs, and may execute their warrants, by distress and sale of goods and chattels; when these are not to be found, they may attach real estate, or, for want thereof, they may commit delinquents to prison. They are required, however, to warn the inhabitants to pay their proportions, and may not proceed to make distress until after such warning, and a consequent non-compliance, nor until two months before the day assigned for paying the tax into the treasury.

When the person of a delinquent is committed to prison, the town becomes liable to the collector for the amount of the tax, which, if necessary, may be recovered of the selectmen, by a warrant from the treasurer, in favor of the collector; to charge the town, it is, however, necessary that the commitment be made within eight months after the tax became payable. The warrants of collectors run throughout the State, and may be levied wherever persons indebted for taxes can be found. If a collector die, after the year for which he was appointed be expired, his powers, while living, survive to his executors or administrators; but if the collector die during the year, it becomes the duty of the town to proceed to make a new appointment. When real estate is taken, it is necessary that the proposed time of sale should be advertised for three weeks, in a public newspaper, at least six weeks prior to the sale. Lands sold for taxes may, during twelve months after the sale, be redeemed, on payment of the purchase money, and costs, with interest, at the rate of twelve per centum per annum. Creditors of persons whose lands have been sold, may avail themselves of the right of redemption; in which case, the lands remain pledged, in nature of a mortgage, until the sums advanced are refunded, with twelve per cent. interest. All taxes due by an individual remain as a lien upon his real estate, for one year after they become payable.

The powers of collectors terminate at the expiration of three years from the dates of their respective warrants, except in respect to persons

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who may have removed from the State, with their property. The powers of executors and administrators of collectors continue for two years after being capacitated as such, in respect to taxes which were demandable by the collector while living.

When a collector is delinquent for more than four months after the time limited for a settlement with the treasurer, a warrant of distress is issued against his person and estate, returnable in sixty days. If the collector or sufficient estate are not to be found, or if he be committed to prison, and the tax remain unpaid, a second warrant is issued against the estates of the selectmen; if no, or sufficient, estates of the selectmen can be found, and a return is accordingly made, a third warrant is issued, against the goods and chattels of the inhabitants of the delinquent town, indiscriminately.

The issuing of the two warrants first described, is frequently found, in practice, to be attended with no coercive effect, except that arising from a sense of the accumulated expenses, which must be finally borne by the town on issuing the third warrant. This circuitous process was, therefore, inefficacious, when, as during and for some time subsequent to the late war, taxes were really burdensome.

When the goods and chattels of selectmen or inhabitants are taken by distress, a warrant is issued by a justice of the peace, directing an appraisal, for which, with reasonable costs and damages, the town is made responsible, and for the reimbursement of which a tax may be assessed by the selectmen.

The compensations of collectors are a commission of two and one half per centum on the sums collected and paid over, besides travelling fees when they settle their accounts. These allowances are paid by the State; when taxes are collected by distress, extra fees are allowed, which are paid by the delinquents.

The moderate taxes lately imposed by the State have been well collected. Of a tax of one penny on the pound, or about twenty-three thousand dollars, made payable on the first day of December, 1795, nearly one-half was paid into the Treasury in three months, and almost the whole of the remainder in six months after it became due. The taxes granted by the people themselves, as members of legal corporations, such as cities, towns, ecclesiastical and school societies, are supposed to exceed, on an average, ten times the sums lately granted by the State.

The ordinary expense of supporting Government has been about forty thousand dollars per annum; but, in consequence of a temporary addition to the compensations and fees, heretofore established, the present expense may be estimated at about fifty thousand dollars per annum.

After liquidating the debt incurred during the late war, there will belong to the State about three hundred and fifty thousand dollars of the balance which was found due on the settlement of the accounts of the late war.

OF NEW YORK.

No general or direct tax has been levied by this State since the year 1788; no objects of taxation are defined in the laws, nor any principles of valuation prescribed. The amount of a tax upon the State being declared, the Legislature determines the quotas to be paid by counties, the supervisors of counties determine the quotas of towns, which last are apportioned to individuals by assessors; no provision has been made for requiring a disclosure of the property owned by individuals; of course, all assessments by the Legislature, by supervisors, and assessors, are determined by a discretionary estimate of the collective and relative wealth of corporations and individuals.

The process by which taxes are assessed and collected, and the manner in which the responsibility of officers and collection districts are secured, are, however, to be explained.

In the month of April annually, the freeholders and inhabitants of the several towns elect one supervisor, not less than three, nor more than seven assessors, and one or more collectors of taxes. Vacancies occasioned by deaths, removals, or any other cause, may be filled by new elections, to continue during the remainder of the year; when towns neglect to elect, and continue in office supervisors and assessors, they may be appointed by three justices of peace of the county. Persons refusing to serve in the offices to which they may have been elected or appointed, are subject to a fine. When the assessors have been qualified by taking an oath faithfully to discharge their trusts, it becomes their duty to meet for the purpose of estimating the value of all real and personal estates in their respective towns; in the first place a list is made of the names of all resident freeholders and inhabitants, and of all persons living elsewhere, possessed of any property lying in the town: against the name of each person, the assessors place such sums as they judge to be the true value of real and personal estates owned by individuals, distinguishing the value of real from that of personal estates; these lists, with the assessments to each person, signed by a majority of the assessors, are then delivered to the supervisors of the county, or their clerk, on or before the last Tuesday of May, annually. If the assessors omit to perform their duty, they become severally liable to a fine of twenty-five pounds, recoverable for the use of the county.

On the day last mentioned, the supervisors of the respective counties meet at the court-house of each county, and afterwards at such times and places as they can agree. When a tax has been granted by the State, the quota of the county is by them apportioned to the several towns, according to their best discretion; to which is added a sum sufficient to defray the expenses of the county during the year; and a further sum for the maintenance of the poor of each town. The sums thus assigned to each town are then apportioned by a poundage rate to individuals, according to their proportions, as exhibited in the lists transmitted by the assessors.

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The lists, with the sums payable by individuals, are then transmitted to the collectors of the several towns, with the warrants of the supervisors of the county annexed. Of the sums first collected, the amount of the assessments for the maintenance of the poor are paid to the overseers of the poor in each town; the remainder, including the sum assessed for the use of the State, is made payable to the treasurer of the county.

The treasurers of counties are appointed by the supervisors, and are required to give bonds, with sufficient sureties, for the faithful discharge of their trusts. The collectors of towns are responsible to the county treasurers, which last are responsible to the supervisors and to the treasurer of the State.

The warrants of the supervisors to collectors authorize them to proceed by distress and sale of the goods and chattels of the persons indebted for taxes; when goods and chattels are not to be found, the taxes accruing upon real estates may be collected by a sale at public auction of a sufficient quantity of the timber, wood, or grass, growing thereon; a notice of such intended sale, for six weeks, and an advertisement for six days, at two or more public places in the town where the estate lies, are however required.

When a collector is delinquent, the county treasurer is required to issue his warrant, returnable in thirty days, directed to the sheriff of the proper county, commanding him to levy the sum in arrear of the lands and tenements, or goods and chattels of the collector, and for want thereof, to confine his person in prison. Of the sums assigned to collectors, they may however discharge themselves, in all cases where no goods or chattels of individuals are to be found whereon to levy, by rendering an account of deficiencies to the county treasurer, on oath, prior to the time assigned for the settlement of the tax. If the collector omits to exonerate himself by rendering an account of deficiencies by the time prescribed, he becomes liable for the whole sum assigned to him for collection; such accounts of deficiencies as are rendered by the collectors, are, by the county treasurers, laid before the supervisors at their next meeting.

When taxes have been granted by the State, the county treasurers are required, annually, before the month of March, to pay the sums by them received, to the treasurer of the State, at the same time exhibiting accounts on oath of all warrants issued against delinquent collectors, expressing the amount of each; where a county treasurer has omitted to pay over the sums by him received, within the time prescribed, or to exhibit, on oath, an account as above-mentioned, or has neglected to issue his warrants against delinquent collectors, it becomes the duty of the treasurer of the State to proceed against the county treasurer, in the manner before described, with respect to delinquent collectors.

It is the duty of the supervisors of counties, at their annual meetings, previously to ascertaining and assessing the county tax for the year, to examine the accounts of deficiencies exhibited by

the collectors to the county treasurers, during the former year; when, in the judgment of the supervisors, the taxes are collectible, notwithstanding the return of the collectors, they are authorized to issue new warrants for collecting the same, under the same formalities and conditions as though a new tax had been assessed; when the deficiencies are found to proceed from insolvencies, or want of goods, or other property, whereon a levy might have been made, or from the insolvency of a collector, the deficiencies are added to the quota of the town in which they arose, to be collected with the new tax. In cases where towns are charged with deficiencies, the first payments thereafter made are applied by the county treasurers on account thereof.

The compensations of the supervisors and their clerks, as also of assessors, are determined by the supervisors, and included with the annual taxes upon the county.

The collectors are allowed to retain, from the sums collected by them, a commission of five per centum; the fees of sheriffs for levying moneys of delinquent collectors are two and one-half per centum; the compensation of the county treasurers is a commission of one and three quarters per centum upon the sums received and paid over; the whole expense of assessing and collecting a tax has been estimated at from fifteen to twenty per centum of the sums collected from the people.

The last State tax, granted in 1788, was for sixty thousand dollars, of which three-fourths was paid into the treasury in one year, the residue was not entirely paid in two years. The expenses of supporting civil Government are annually about seventy-five thousand dollars; the annual grants to the university, college, schools, hospital, and for contingencies, somewhat exceed this amount. The outstanding debts of the State are about two hundred and twenty-five thousand dollars, a principal part of which consists of bills of credit issued since the late war. The credits and funds of the State are ample, and their product sufficient to supersede the necessity of taxation except for county and other local purposes.

OF NEW JERSEY.

The objects of taxation enumerated in the laws of this State, are lands, whether improved or unimproved; houses, with lots adjoining, not exceeding ten acres; horses and neat cattle, furnaces, forges and mills of several kinds; tan-yards, ferries, fisheries, vessels, carriages for the conveyance of persons, including sleighs; personal taxes on shop-keepers, single men who keep horses, single men who do not keep horses, and on slaves.

Each of the taxable objects before enumerated, is, by the Legislature, assessed from time to time, at a certain value; the assessments on lands, and on houses and lots, are graduated according to an equitable scale, with reference to the relative fertility and local advantages or disadvantages of the several counties. The quantities of taxable property, the rates at which they were assessed in the year 1794, and the quotas of the several

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counties in a tax of thirty thousand pounds, appear in an annexed document (F.)

It appears that the quotas of counties are determined by their lists of ratable property, according to the valuations from time to time made by the Legislature; the quotas of townships and individuals are assessed pursuant to the following regulations:

At the annual town meetings there are chosen within each township, ward, and precinct, two freeholders, three commissioners of appeals, one assessor, and one collector of taxes. In case of neglect in any township to make elections of assessors and collectors, or of the disability of the persons chosen, two justices of the peace of the county may appoint a town meeting, at which elections may be made by a plurality of the voices present; in case of a refusal or neglect to make elections in this mode, two justices of the peace may make the necessary appointments.

The assessors, after being qualified, by taking an oath or affirmation faithfully to discharge their trusts, are required, between the twentieth day of July and the twentieth day of August in each year, to apply to the inhabitants of their several townships for an account of all their property, real and personal, then ratable by law; of the property disclosed, correct and particular lists are taken in writing by the assessors.

Such of the inhabitants as refuse to disclose a true state of their taxable estates, are liable to be assessed, at the discretion of the assessors, double the amount of the sums for which they would otherwise be liable in the opinion of the assessors.

In making assessments, lands, houses, and lots, are estimated *ad valorem*, not exceeding certain rates, which are prescribed by law; horses and neat cattle are assessed uniformly throughout the State; the assessments on all other objects of taxation are specific, not exceeding certain prescribed rates; the objects of specific taxation are styled *certainities*, of which particular and distinct accounts are taken.

Four months before a tax is made payable into the treasury, the assessors of the several townships meet at the court-house of the county, with the lists of ratable property collected in the several townships. After the lists have been arranged, and the quantities of each description of taxable objects have been ascertained, a calculation is made of the proportion of the tax which can be raised on the *certainities*, or objects of specific taxation; the remainder is then apportioned to the several townships, at the discretion of a majority of the assessors present; so, however, that the rates of valuation, prescribed by law, be not exceeded in assessing the quota of any township: when the quotas of the townships have been ascertained, an abstract is formed of all the *certainities* and other property subject to taxation in the county, distinguishing the amount in each township, which, being signed by the assessors, is delivered to the collector of the county.

Within ten days after the quotas of the townships are settled, the assessors are required to

make out duplicates of the assessments upon individuals, containing an account of the *certainities*, the sums estimated for other property, with the taxes assigned to each person, one of which duplicates is delivered to the collector of the proper township, ward, or precinct, and the other to the collector of the county, who is required to lay the duplicates, being the assessments on townships and persons, with the abstract thereof for the county, before the General Assembly, in October, annually.

Though, in assigning the proportions of individuals, the assessors appear to be confined to the objects of taxation prescribed by law, and are not allowed to exceed certain rates of valuation, of which the limits are designated, yet, as within these limits a wide latitude of discretion may be exercised, provision has been made for an appeal where the assessments are deemed excessive. With a view to this subject, the constitution has prescribed that the townships shall annually elect three or more judicious freeholders to hear and finally determine all appeals relative to unjust assessments, who are directed to sit at suitable times, to be by them appointed, and made known to the people by advertisements.

In conformity with this provision, the law directs that, within four days after the duplicate assessment, or tax bill, is received by the township collector, he shall, by advertisement, give public notice that a tax has become payable, therein mentioning the time when a return of delinquents will be made in manner hereafter mentioned, and the time when the meeting of the commissioners of appeals is to be holden. In case the commissioners of appeals see fit to allow a deduction from any assessment, a transcript of their decision becomes a voucher in favor of the collector to whom it is directed.

The township collectors are responsible to the collectors of counties, who are appointed by the justices and freeholders of the counties respectively. The county collectors are responsible to the treasurer of the State.

Within twenty-five days after receiving the duplicate assessments, the collectors of townships are required to demand the taxes due by individuals, either by personal application, or by notice at their respective dwellings, mentioning, at the same time, the session of the commissioners' appeal. In case of non-payment, until within one month and fifteen days before the time prescribed for payment into the treasury, it becomes the duty of the collector to make a return, on oath, to some justice of the peace of the county, therein specifying the names of the delinquents and the sums due from them, respectively, for which return, the justice of the peace may be required to grant his receipt or acknowledgment. Prior to the time prescribed for settlement with the county collector, the collectors of townships must pay over the sums by them collected; in which case, they cease to be chargeable for such assessments as have been returned to a justice of the peace, in manner before mentioned. When a township collector omits to make a return of delinquents,

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or pay over the sums by him collected, he becomes liable to a fine of twelve pounds, collectable by the county collector for the use of the State.

Within three days after a return of delinquents to a justice of peace, it becomes his duty to issue warrants, directed to some constable of the county, requiring him to levy the sums in arrear with costs, by distress and sale of the goods and chattels of the delinquents, or for want thereof, to commit them to prison; the warrants moreover require the constable to pay the taxes so collected by distress, to the township collector, within thirty days, and to make a special return to the justice of the peace of the sums collected, of the sums not collectable, and generally, of the manner in which the warrants have been executed. If a justice of the peace refuse to perform the duties before mentioned, he becomes subject to a fine of twelve pounds, recoverable with costs, for the use of the State, by the county collector. If a constable omit to execute the warrants of the justice of the peace, he becomes liable to a like fine, for the use of the county and the township collector jointly; as also, for all the taxes entrusted to him for collection, recoverable by distress, on a summary process, before any one of the judges of the court of common pleas for the county.

On the receipt of moneys from any constable, the township collector is required to pay the same to the county collector, and to account for all outstanding deficiencies. If the township collector omits his duty in this respect for ten days, it becomes the duty of the county collector to apply to one of the judges of the court of common pleas for the county, who is required to issue a summons to the township collector, and thereupon to hear and determine the cause, in a summary manner. In such case, the township collector is held responsible for all the taxes entrusted to him for collection, except such as may appear uncollected by the return of the constable, on the warrant of distress, issued by a justice of the peace. For the remainder, with any fines received, and interest thereon, from the time payment ought to have been made, judgment may be given, recoverable with costs, by a warrant of distress, directed to the sheriff of the county.

The collectors of counties are required to pay over to the treasurer of the State all assessments and forfeitures by them received from township collectors, for which the receipts of the treasurer operate as a discharge, after having been entered in the office of the State auditor. When a county collector omits or refuses to pay over such assessments and forfeitures, and to account for the deficiencies remaining uncollected, for twenty days after the time prescribed for a settlement of the tax, it becomes the duty of the treasurer to report the defaulter to a Judge of the Supreme Court, who is required to institute a summary inquiry. The county collectors, in this case, are held responsible for the quotas assessed upon the counties, except so far as they can exonerate themselves by showing that the sums remain uncollected, in the hands of township collectors or con-

stables, in respect to whom, the requirements of law, before mentioned, have been enforced. For such sums as the county collectors are found delinquent, on the principles above stated, the judge of the superior court may issue a warrant of distress, directed to any sheriff of the State. In addition to the unpaid taxes before mentioned, a delinquent county collector is liable to pay a fine of ten pounds, for the use of the State.

If a sheriff, to whom a warrant of distress, against a county collector, is directed, neglect or refuse to execute the same, or omit to pay to the treasurer the sums collected, within thirty days after receiving the warrant, he becomes liable to forfeit double the sum therein expressed, collectable by the treasurer, agreeably to the process prescribed in respect to delinquent county collectors.

The counties are responsible to the State for all delinquencies of county collectors; and the townships are, in like manner, responsible to the counties, for the delinquencies of their collectors and constables, respectively. When a county collector is found to be delinquent, the sum due by him is, by the treasurer, added to the quota of the county, in the next tax. If the assessors omit or refuse to assess the deficiency, or any tax granted by the State, they severally forfeit twelve pounds, recoverable by the overseers, for the use of the poor.

The county collectors are required to attend the meetings of the assessors in the several counties, and to lay before them accurate accounts of the deficiencies, in the several townships, precincts, and wards; the amount of which are required to be re-assessed with the future taxes of the townships, precincts, and wards, in which such deficiencies arose.

Tenants, or persons residing on, or having the care of lands or tenements, are responsible for the taxes assessed thereon, as also, their goods and chattels. The amount of such taxes may, however, be deducted out of future rent, or recovered of the landlord; but in such manner, as not to affect any subsisting contract or agreement.

In default of payment of the taxes assessed on unimproved or untenanted lands, the owners of which do not reside in the townships where such lands are situated, warrants may be issued by a justice of the peace of the county, authorizing a distress and sale of timber, wood, herbage, or other saleable property, found on the premises.

Township collectors and constables are responsible to the chosen freeholders of their respective townships for all moneys received by them, or for which they may be accountable, above the sums paid to the county collectors.

The general rule of compensation for assessors, has been a commission of one and three-quarters per centum, upon the sums assessed, with a like commission to the collectors of townships, both of which compensations were included in the assessment of taxes. By an act, passed in the year 1794, for raising fifteen thousand pounds, the assessors were allowed fourpence for assessing the tax of each person, and the collectors, a like sum

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for each collection. It is not known whether this has operated as an increase or reduction of the compensation before established. The commissioners of appeals are allowed one dollar per diem for their services. In addition to each tax, constables are allowed to collect two shillings and sixpence for each distress, and sixpence for each name mentioned in the warrant of a justice of the peace, both of which sums are payable by the delinquents. County collectors are allowed one penny in the pound, of the sums received of township collectors and paid over to the treasurer, besides sixpence per mile, for travelling to settle their accounts.

Of a tax of fifteen thousand pounds, granted in December, 1794, payable into the treasury on the last day of December, 1795, the whole, except a trifling balance from one county, was paid before and during the month of May, 1796.

The outstanding debt of the State amounted, in April last, to forty-five thousand pounds, or one hundred and twenty thousand dollars, for the discharge of which, in four equal annual payments, appropriations have been made; the payment of the first instalment is supposed to have been, before this time, completed. The arrears of certain taxes, funds belonging to the treasury, and the proceeds of an annual tax of forty thousand dollars, are represented as sufficient to liberate the State from debt, within the time proposed.

The expenses of supporting the State Government and contingent charges, are annually about twenty-seven thousand dollars; the amount of county and other taxes is not known.

OF PENNSYLVANIA.

In the year 1785, an act was passed providing a revenue for funding and paying the interest of debts of the State, and also, the State quota of the interest accruing on the debts of the United States. In aid of other revenues which were then appropriated, an annual tax of seventy-six thousand nine hundred and forty-five pounds seventeen shillings and sixpence was directed to be assessed and collected on persons and real and personal estate. This tax was continued from 1785 to 1789, inclusively, since which time no general tax has been imposed.

The tax above mentioned was apportioned to the several counties by the Legislature; the quotas of townships were determined by county commissioners, and assessed upon individuals by township assessors.

The objects of taxation were, the time of servitude of all bound servants above fourteen years of age; negro and mulatto slaves, above the age of twelve years; horses and horned cattle, above three years old; wrought plate; travelling or pleasure carriages; lands generally, houses, ground rents, mills of all kinds, furnaces, forges, bloomeries, distilleries, sugar-houses, malt-houses, breweries, tan yards, and ferries; all of which were made taxable *ad valorem*.

Personal taxes, not exceeding thirty shillings, nor less than ten shillings, were assessed upon single freemen above twenty-one years of age,

who had been free from apprenticeship nine months; all offices and posts of profit, trades, occupations, and professions, (ministers of the Gospel, mechanics, manufacturers, and school-masters excepted,) were rated at the discretion of the assessors, with reference to their respective profits.

By a proviso to the act, which still remains in force, the lands granted to any officers or soldiers of the line of the State, for their services, were declared to be exempted from taxation, during the lives of the grantees, respectively, unless the same should be transferred or alienated.

It would be difficult to ascertain the precise degree of punctuality with which these taxes have been collected; the delays are, however, known to have been considerable; on account of arrearages of taxes, it appears that fourteen thousand five hundred and sixty-five dollars were received in the year 1795.

The system of taxation at present in force is contained in an act passed in April, 1795, to regulate the mode of assessing and collecting county rates and levies.

The officers for assessing taxes, are county commissioners and township assessors; three commissioners are elected by the people, in each county, for three years; their offices are annually vacated in succession, one commissioner being elected in every year.

Every three years, commencing with October, 1795, the freemen of every ward, township, or district, in the city or county of Philadelphia, and in the other counties, respectively, elect one assessor, and two assistant assessors, for the purpose of making triennial assessments of taxable property; in years other than those in which the triennial assessments are made, only one assessor is elected.

The assessors and assistant assessors are required, every three years, to state and return to the commissioners of their respective counties, within six weeks from the day of their election, a list, setting forth the names and places of residence, if known, of the owners of all the lands occupied and inhabited; of all unseated lands, and of all the houses and lots of ground, in the wards, townships, or districts, to which they belong; with a description of all the buildings, erections, and improvements, appertaining to the same; the amount of all ground rents charged thereon; and also, a list of the mechanics or tradesmen, tavern-keepers, shop-keepers, persons retailing goods, wares, or merchandise, brokers, bankers, merchants, lawyers, and physicians, freemen who do not follow any profession, occupation, or calling, and persons of professions or occupations not above described; persons held as slaves, under forty-five years of age; horses and horned cattle, above four years old, with a just and faithful valuation of the estate and interest of each of the owners respectively, in the real and personal taxable property before mentioned.

In every year in which the triennial assessments of property are made, the county commissioners are required to meet on the first Tuesday

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in January, to examine and compare the returns made to them by the assessors and assistant assessors, with full power to revise, alter, and adjust, the valuations in such returns; provided they do not change or vary the relative valuations of property in the same township, ward, or district. The proportional assessments upon individuals, thus equalized by the commissioners, in respect to counties, constitute a general rule or criterion, by which taxes on property are regulated for three years ensuing.

The amount of each county tax is determined by the county commissioners, under the limitation, however, that not more than one per centum can, at any time, be raised on the valuation of lands. When the commissioners deem it necessary to levy a tax equal to one per centum, upon the value of property, as by them adjusted, they are directed to order the following taxes on persons and professions to be collected. From every freeman of no profession or calling, not more than ten dollars, nor less than fifty cents; from every mechanic or tradesman, not more than two dollars, nor less than thirty cents; from every tavern-keeper, shop-keeper, or other person, retailing goods, wares, or merchandise, not more than five dollars, nor less than fifty cents; from every broker, banker, merchant, lawyer, or physician, not more than ten dollars, nor less than one dollar; from persons of professions or occupations, not before described, not more than eight dollars, nor less than twenty-five cents; and from the holder of any person held as a slave, one dollar for every such slave. Whenever the tax on real property is below one per centum of the valuation, the taxes on occupations, professions, and personal property, are directed to be proportionally reduced; no article of property can be assessed which is not enumerated in the law.

When the commissioners have declared the amount of a tax, and the proportions to be assessed on real estates, and on persons and occupations, they issue warrants to the assessors, requiring them to take an account of all persons and effects subject to the tax, and to make returns, in thirty days, of the names and sums, with which, in their judgment, each person ought to be charged; distinguishing the sums assessed for real property from those assessed for personal estates, professions, or occupations; the assessors are, moreover, required to notify each individual of the amount wherewith he is charged, and of the time and place, when and where, the county commissioners will meet, to hear and decide on appeals.

The county commissioners are authorized, on the appeals of individuals, to alter the assessments on persons or professions, or to abate them entirely, in cases where they judge the appellants unable to discharge the same; it is declared, however, that the commissioners shall not vary the assessments on real property, except where lands have been divided, or where houses or buildings, valued in the triennial assessments, have been destroyed or damaged by accidents; in which cases alone, the commissioners may apportion the

assessments between the owners of the property so divided, or may make abatements in proportion to the damages sustained.

The tenant in possession of lands or tenements, belonging to an owner residing in a township, ward, or district, other than that in which the lands or tenements are situated, is, jointly with the owner, liable for the taxes thereon, and his goods or chattels may be distrained therefor; but the tenant may retain the sums paid, out of the rents due or to become due, or may recover the same, with costs, by action of debt against his landlord, unless prevented by the conditions of some prior contract.

The deputy surveyors of counties or districts are required, on the application of the county commissioners, to make returns of all lands surveyed, and of all warrants or orders of survey, to them directed and not executed, therein describing the number of acres in each survey, the names of the original warrantees, the waters on which situated, the lands contiguous thereto, and the townships where the same lie; all unseated lands are directed to be taxed, returned, advertised, or sold, in the name of the original warrantee, until notice has been given to the commissioners that the said lands have been alienated to some other person.

Within three months after a tax has been laid on unseated lands, the commissioners are directed to transmit a transcript of the assessor's return, and of the tax imposed, to the sheriff of the county, in case the owner resides therein; or if the owner does not reside in the county, but has previously filed with the commissioners an account of his abode and occupation, then to the sheriff of the county in which such owner is resident; in either of which cases, it is made the duty of the sheriff to serve a copy of such transcript on the owner, or to leave a copy thereof at his usual place of abode.

When the owner of unseated lands cannot be found, and any tax has remained unpaid for three years after the assessment thereof, the county commissioners having first advertised the same in seven different public places, within the county, are directed to proceed, on the first Tuesday of August next, after the expiration of the three years, to sell so much of the said lands as may be necessary to satisfy the taxes remaining unpaid, with interest, at the rate of twelve per centum per annum, from the time the taxes became due. Persons who occupy lands which were unseated previously to such occupancy, are liable for taxes in the same manner as though they were original owners; as also purchasers of unseated lands, who shall have recorded their deeds, or in any other manner acquired titles to the same, and may be proceeded against in like manner as though they were original owners.

The county treasurers, and collectors for townships, are appointed by the county commissioners; the collectors are accountable to the county treasurers for the taxes entrusted to them for collection, except for taxes on unseated lands, and may

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distrain and sell the property of delinquent individuals. When collectors are delinquent, their goods and property may be distrained and sold by the county treasurers.

The county commissioners, assessors, assistant assessors, and county treasurers, are severally required, before entering on the duties of their offices, to take and subscribe an oath or affirmation, faithfully and impartially to execute the duties of their respective offices.

When townships omit to elect assessors or assistant assessors, or when vacancies happen from any cause, the county commissioners may proceed to make the necessary appointments.

The compensation allowed to county commissioners is one dollar and one-third for each day they are employed, and to the assessors, one dollar. Upon an average, the expense of assessing county taxes through the State, may be estimated at ten thousand dollars per annum. The commission allowed to collectors is generally about five per centum on the amount of the taxes; the county treasurers are allowed one dollar upon each hundred pounds received and paid by them, respectively.

The townships are responsible to the counties, and the counties are, in like manner, responsible to the State, for the amount of all assessments. No State tax having been laid for several years, it has been found impossible to collect an account of the value of taxable property in the several counties.

The annual expenses of maintaining Government may be estimated at one hundred and thirty thousand dollars; the revenues of the State exceed this amount; of course, there is a probability that the State will continue to be exempted from the necessity of taxation, except for county purposes.

OF DELAWARE.

Taxes have been hitherto collected on the estimated annual income of the inhabitants of this State, without reference to specific objects.

For about twenty years past, the quotas of the counties, in a general tax, have been uniform; every tax has been divided into twenty-one parts, of which eight parts have been assigned to the county of Newcastle, seven to the county of Kent, and six to the county of Sussex.

The counties are divided into hundreds, in each of which an assessor is annually chosen on the 15th of September. After their election, they are furnished with lists of all taxable persons by the constables of the hundreds; to these lists the assessors, in a general meeting for the county, affix estimates of the supposed income of each inhabitant, according to their best discretion, subject only to the following restrictions: 1st. That unsettled tracts of land, persons under twenty-one years of age, and persons who have not been six months free from servitude or apprenticeship, are to be exempted. 2d. That assessments upon poor persons having a charge of children are to be assessed with reference to this expense, but in no case less than eight pounds. 3d. That single

men, having no visible property, are to be assessed not less than twelve nor more than twenty-four pounds.

It appears to have been a rule established by the assessors, and confirmed by long usage, to assess all persons at one-fifth part of their annual income; no account of the general amount of income upon which taxes have at any time been imposed has been obtained.

When the assessors have completed their assessments, lists of their proceedings are published in the several hundreds, with notice of the time appointed for holding the levy court and court of appeals for the county.

The commissioners of the levy court and court of appeals are elected for three years by the people of the respective counties; one-third part of the court is renewed annually; they are empowered to hear and decide on all appeals respecting erroneous or excessive assessments, for which purpose they may require the attendance of all necessary witnesses.

Of late years, the collectors of State taxes have been appointed by the treasurer, who is responsible for all losses occasioned by their delinquencies, or the insufficiency of their sureties; with the bonds of collectors, powers of attorney, for obtaining judgment, are required.

The collectors of taxes are allowed a commission of seven and a half per centum on their collections; the commissioners of the levy court and court of appeals and assessors receive one dollar and one-third per diem during the time they are employed.

It does not appear that the State is burdened with debt; the expenditures from the treasury during the year 1795 amounted nearly to seventeen thousand dollars; the receipts of the treasury exceeded twenty thousand dollars, including the proceeds of certain sales of vacant lands, and taxes granted before and during the year 1794. No certain information has been obtained respecting the ordinary expense of supporting Government, or the degree of energy with which collections have been enforced.

To remedy the inconveniences and inequality which have been experienced from arbitrary assessments, an act has been passed during the present year providing for the valuation of real and personal estates. Though the new system has not yet been reduced to practice, an exposition of its principles has been deemed necessary.

It has been declared that all real and personal property shall be taxed, except property belonging to the United States, to the State, or to any county, religious society, college, county school, or corporation for charitable purposes, provisions for a family, tools and implements of a trade or profession, household furniture, (plate excepted,) the produce of land, apparel, money, bonds and securities, imported merchandise, and such carriages as are already taxed; provision is however made for ascertaining the stock of merchants, traders, mechanics, and manufacturers, for the purpose of regulating assessments upon such persons, proportioned to their gains and profits.

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The Governor is empowered to constitute a board of commissioners in each county, to consist of six persons, who are to remain in office for three years. One-third part of the commissioners are to be appointed annually; no person may receive two successive appointments.

Assessors, appointed as formerly, are required to take an accurate account of the lands in their respective hundreds, specifying the names of their owners, what part is improved or unimproved, with the buildings and improvements thereon, and the value of each tract, in ready money. The assessors are also to ascertain the number of lots and houses in cities, boroughs, and villages, their value, and the rents annually paid.

Real property, and the rents arising therefrom, are to be estimated in the following manner:

Ground rents, at one hundred pounds for every eight pounds of rent. Lands subject to ground rent, according to the actual value, after deducting one hundred pounds for every eight pounds rent; rents of houses and lots in cities, towns, and villages, at one hundred pounds for every twelve pounds of rent reserved; houses and lots of the above description, at the true value, after deducting at the rate of one hundred pounds for every twelve pounds of the rent annually secured.

Certain articles of personal property are to be valued as follows:

Male and female slaves, from eight to fourteen years of age, not less than ten nor more than forty pounds.

Male slaves from fourteen to forty-five years of age, any sum above twenty and not exceeding seventy pounds; female slaves, over fourteen and not exceeding thirty-six years of age, any sum above fifteen and not exceeding thirty-five pounds; male and female slaves under eight years of age, male slaves above the age of forty-five years, and female slaves above the age of thirty-six years, at rates proportioned to those before mentioned. Male slaves who are tradesmen are to be assessed according to the value of their labor. Plate is to be assessed at eight shillings and four pence per ounce; all other articles of personal property, not specially exempted, are to be estimated according to their value in ready money, at the discretion of the assessors.

Every free man, above twenty-one years of age, in addition to the assessment upon his property, is chargeable with a personal assessment, not exceeding two hundred nor less than fifty pounds, subject to abatement in whole or in part, at the discretion of the levy court and court of appeals. Provision is made for requiring a disclosure of the taxable property possessed by individuals; persons who omit to make returns when required are subject to a penalty, and may be assessed at discretion.

The assessors, in performing the duties before mentioned, are subject to the control and direction of the county commissioners; when the valuations or assessments have been completed, they are to be published in each hundred; after which, the commissioners are to hear and determine the complaints of individuals, subject, however, to the

final decision of the levy court and court of appeals for the county.

It will be seen that, by the new system, taxes are to be imposed upon the mass of property, real and personal; and that certain limits are assigned to the powers of the assessors, although a wide field will still remain for the exercise of discretion.

OF MARYLAND.

All property is, in this State, subject to taxation, except property belonging to the State or the United States; houses for public worship, burying grounds, or property belonging to any county, college, or county school; the crop and produce of lands in the hands of the person whose lands produced the same; provisions necessary for the use and consumption of persons and families for the year; plantation utensils; the working tools of mechanics and manufacturers, actually and constantly employed in their respective occupations; wearing apparel; goods, wares, and merchandise imported; home made manufactures in the hands of manufacturers; stills and ready money.

Taxes are, therefore, imposed on the mass of property in general, in conformity to an article in the Declaration of Rights, agreed to by the State Convention in November, 1776, which asserts, "That the levying of taxes by the poll is grievous and oppressive, and ought to be abolished; that paupers ought not to be assessed for the support of Government, but that every other person ought to contribute his proportion of the public taxes for the support of Government, according to his actual worth in real or personal property."

The following specific taxes are collected, viz: Of every attorney at law, for admission to the bar of each county court, three pounds, and a like sum, annually, during his continuance of practice. On licenses to retail spirituous liquors, six pounds; on licenses to keep taverns, three pounds; on licenses for marriage, twelve shillings and six pence. There are, moreover, certain taxes collected on process issuing from the county courts; on orders issued by the judge of the land office; or final adjudications, on caveats, and on proceedings and seals in the court of chancery.

The produce of these taxes, with the incidental revenue accruing from fines and forfeitures, and from amercements on persons failing in their suits at law, and the interest accruing on funds belonging to the State, have been found sufficient to supersede the necessity of any general State tax, since the year 1786. County taxes are assessed and collected pursuant to two acts passed in 1785 and 1792, prescribing rules for ascertaining the value of property; from the last mentioned acts, and the act by which the tax was granted in 1786, the following is inferred to be the mode of assessment and collection in this State:

The lands in each county have received an average valuation by the Legislature, at various rates, chiefly between thirty-three shillings and nine pence and twenty-two shillings and three pence, but in one instance as low as four shillings by the acre. Slaves, from eight to fourteen years of age, are valued at fifteen pounds; male slaves,

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from fourteen to forty-five years of age, at forty-five pounds; female slaves, from fourteen to thirty-six years of age, at thirty pounds; male and female slaves, under eight years of age, male slaves above forty-five years of age, female slaves above thirty-six years of age, and slaves who are tradesmen, are directed to be valued by assessors, in proportion to the rates above mentioned; when slaves are infirm, the assessors may allow a reasonable abatement. Silver plate is valued by law at eight shillings and four pence per ounce.

In estimating the value of ground rents in towns, eight pounds rent is considered as an equivalent to a capital of one hundred pounds; of the rents of houses in towns, sixteen pounds are estimated as equivalent to one hundred pounds; in respect to limited estates carved out of estates in fee simple, it is prescribed as a general rule that a right of possession for fifteen years, without payment of rent, is equivalent to one-half of the value of the fee simple. In all cases, estates and property are estimated at their full value in money in the first instance; after which, a computation is made of the value of any particular estates or interest arising therefrom, in order to a just apportionment between the parties; where the law has not prescribed a rule of valuation, assessments are made at discretion.

When a tax is to be granted, five persons in each county and in Baltimore town, are named by the Legislature, in the supply bill, as commissioners of the tax; the commissioners are sworn to a faithful and impartial discharge of their duty; they meet on a fixed day, at the usual place for holding the county courts, and, after appointing their clerks, they proceed to divide their counties into convenient districts; to appoint an assessor for each, who must be a person worth two hundred pounds; to instruct the assessors in their duty, and to prescribe a time when they are to appear with written returns of their several valuations of property.

The assessors are directed to inform themselves, by all lawful ways and means, of all real and personal property in their districts, and for this purpose they may require of all persons owning or having the care of slaves an account of them, under the penalty of paying a double tax for every slave omitted, or whose age is wilfully misrepresented in the account. Every person is also bound to give, upon the assessors' requisition, a true account of all other property, real and personal, belonging to him, or under his care and management, or simply in his possession, under the penalty of paying a double assessment, in the case of refusal to give in such account, or where a partial one is rendered, of forfeiting the value of the property omitted. In respect to property concealed or omitted in the accounts of individuals, the assessors affix a discretionary valuation.

In ascertaining the quantities of lands, the commissioners, and, under them, the assessors, are governed by former valuation lists, lists of alienations received from the clerks of courts, and by information which may be required of the proprietors on oath; this last security is, however, rarely

resorted to in any instance. When the quantity of land in a county has been ascertained, its value is first computed according to the average prescribed by law; the aggregate amount is then apportioned to individuals, according to the relative value of their respective portions of lands and their interest therein, on the principles before-mentioned. The mode of recovering penalties or forfeitures incurred by concealment or fraud in the disclosure of property, is by presentment in a court of justice; the occasions for this are, however, represented to have but rarely occurred.

Erroneous or excessive assessments may be corrected by application to the commissioners of the tax for the county, who may examine the parties or other persons on oath, and finally determine as shall appear equitable.

When the assessments upon individuals have been completed, the assessors are required to report to the commissioners for the county alphabetical lists of all persons whose property has been valued, with a specification of the number and value of slaves of each description, the weight of plate, with the value thereof; also, the particulars of real and personal estates as designated by law, and the value of each description. When the owner of any property is not known, it is directed to be so returned.

Owing to the long time since any general tax has been laid, it has been found difficult to ascertain the quantities of taxable property now existing in the State. The annexed document (G) on this subject, so far as it is founded on returns, is entitled to full confidence; the estimate of certain objects is derived from an intelligent source, and is believed to be free from material error.

The collectors of taxes are appointed by the commissioners of counties, and give bond with sureties for the sums intrusted to them for collection; they account with one of the State treasurers, of which one is appointed for the counties eastward and the other for the counties westward of the Chesapeake.

Persons who were appointed under the last act to the office of collector, and who refused to accept the office or to give bond, were subject to a fine of fifty pounds.

It has been a general usage to appoint the sheriffs of counties to be collectors of taxes, who, with the consent of the commissioners, have been allowed to appoint deputies for one or more hundreds in said counties; for the conduct of their deputies the collectors or sheriffs have been held responsible.

The collectors under the last act were subject to the general control and superintendence of the commissioners of the tax, and might be compelled to disclose the sums actually collected, for the purpose of being required to pay the same to the State treasurer.

All goods and chattels found on lands chargeable with taxes were liable to be taken by distress; if no goods nor chattels were to be found, the lands remain chargeable with the tax and interest thereon, at six per centum per annum.

When it was discovered by a collector that a

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person charged with a tax resided in some other county, it became his duty, under a penalty of twenty pounds, to transmit an account of said tax to the commissioners of such other county, to be collected under their direction.

About two months after the time prescribed for the payment of the last tax, the collectors were required, under a penalty of two hundred pounds, to present their accounts for adjustment to the commissioners of their counties. In this adjustment the commissioners were authorized to allow the collectors a commission of four per centum, and to pass to their credit such sums as appeared to be uncollectable; it appears to have been the object of these settlements to define and fix the sums for which the collectors were to be finally responsible; two copies of each settlement were made, one of which was transmitted to the clerk of the House of Delegates and the other to the proper treasurer, by which to hold the collectors accountable.

Delinquent collectors and their sureties were liable to be proceeded against by a summary process; delinquent deputy collectors might be compelled to account, by warrants from the commissioners, authorizing the sheriffs to levy the sum due on the lands, goods, chattels, or persons, of the delinquents.

The commissioners and their clerks were allowed, each, ten shillings per diem, during the time their services were required; the assessors a sum at the discretion of the commissioners, not exceeding twenty-five pounds each; and the collectors as beforementioned, a commission of four per centum; the expenses of collecting the last tax, exclusive of loss, occasioned by delay and other incidents, amounted to twelve and one-half per centum.

The State tax assessed in 1786, amounted to twenty shillings on each hundred pounds of property, according to the valuation: the collection was several times partially or wholly suspended by the Legislature, on applications from the collectors.

In the year 1786, there was paid	£5,037	4	0
In the year 1787	-	37,610	6 2
In the year 1788	-	22,898	2 11
In the year 1789	-	33,478	7 7
In the year 1790	-	5,060	7 3
In the year 1791	-	2,084	14 4

Amount of the tax - - 106,169 2 3

A small part of the above statement is founded on estimate.

A principal part of the delay which attended the settlement of this tax, arose from the indulgences granted by the Legislature, and it may be doubted, on reverting to the state of the country at the time, whether the tax was not in some degree excessive; it will not, therefore, be proper to consider the proceedings under this act as affording a correct exhibition of the general operation of the State system. It is understood, however, that, on other occasions, the collection of State taxes has been inefficient and defective, owing

to the want of a more energetic control than has been afforded by the boards of county commissioners, and to the practice of entrusting the collection of taxes to sheriffs and their deputies.

The ordinary expenses of maintaining the State Government, are estimated at about twenty-five thousand pounds per annum; a small debt remains unliquidated; but the means already possessed by the State, are supposed to be more than competent to its discharge.

Taxes are collected in Baltimore town for town purposes, on riding carriages, wagons, carts, riding horses, tavern keepers, sales at auction, billiard tables, and on the play-house; besides a general tax on property. All these taxes may amount, during the present year, to thirty shillings on each hundred pounds of property, according to the usual mode of valuation. The annual county taxes are estimated, on an average, at eight shillings upon a hundred pounds of property. The proceeds are applied to the maintenance of county police, the building and repairing of court-houses, tobacco warehouses, bridges, repairs of roads, the support of the poor, and other local objects.

OF VIRGINIA.

Lands in this State have received a permanent valuation, agreeably to which all taxes are imposed.

In pursuance of an act passed in November, 1781, the justices of each county appointed three commissioners, who were sworn to make an impartial valuation of lands in their respective counties. These commissioners had power to require of all proprietors an account of their lands lying within the county, distinguishing lots lying within any town. In forming their estimates, the commissioners were required to ascertain, according to their best judgment, the average price per acre for which each tract or parcel of land might be sold, for immediate payment in specie, excluding from valuation all reference to buildings or other improvements. Lands under a lease for years, were directed to be valued, in the first instance, without regard to the rent; but where such valuation exceeded twenty years' purchase, computed upon the rent reserved, the landlord was assessed for the amount of twenty years' purchase, and the remainder was apportioned to the tenant; the returns of the valuations were made to the auditors of public accounts.

As was to have been foreseen, the valuations made by the commissioners of counties, though they might be, and doubtless were, just and accurate, in respect to the relative value of different tracts of land within the same county, were found to be exceedingly unequal when compared with the valuations of other counties. This inequality, the unavoidable consequence of assessments by commissioners, whose proceedings were independent of each other, and uncontrolled by any common standard of opinion, rendered a revision indispensable. To effect a general equalization of the assessments, an act was passed in October, 1782, by which the different counties of the State were ar-

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ranged into four districts; in this classification of counties, reference was had to their soil and situation, with the view of obtaining a general and equitable standard of value for the lands of the several counties. This standard or average value was declared by the Legislature to be, for lands lying in the first district, ten shillings per acre; in the second district, seven shillings and six pence per acre; in the third district, five shillings and six pence per acre; and in the fourth district, three shillings per acre. To give effect to this declaration, two commissioners were appointed, who were directed to examine the county returns, and, after ascertaining the average value of the lands in each county, agreeably to the assessments made pursuant to the act of November, 1781, and, after comparing the same with the standard or average value for the district, to apply the difference by adding or deducting the same, *pro rata*, to the assessment of each individual.

Upon the assessments thus made, pursuant to the act of November, 1781, equalized according to the act passed in October, 1782, all taxes on lands, except on lots in towns, have been since apportioned by a poundage rate; this rate has, of late years, been five shillings on each hundred pounds, or one-fourth of one per centum *ad valorem*.

The tax on houses and lots in towns, is annually assessed by the commissioners of the revenue, who are authorized to require of every tenant or proprietor to disclose, on oath or affirmation, the amount of rent paid or received by them, respectively; in cases where houses or lots are in the occupation of the proprietors, the yearly rent is ascertained on a comparison of their value with other houses and lots actually rented; the tax lately assessed has been sixteen shillings and eight pence, or five-sixths of one per centum of the ascertained or yearly rent or income arising from this species of property.

The other revenues of the State arise from specific taxes on the following objects:

On every slave above twelve years of age, except such as are exempted by the county or corporation courts, on account of age or infirmity, at one shilling and eight pence each.

On stud horses and jack asses, at various rates; on other horses, and on mules, at four pence each.

On every ordinary license, two pounds.

On every billiard table, fifteen pounds.

On every four-wheel riding carriage, except phaetons, and stage wagons, six shillings per wheel.

On every phaeton and stage wagon, four shillings per wheel.

On every riding carriage with two wheels, two shillings per wheel.

Certain taxes are, moreover, imposed on legal proceedings in the superior courts; on transfers of surveyors' certificates for lands; on the instruments and attestations issued and taken by public notaries; on certificates issued by the county and corporation courts; and on certificates issued under the seal of the State.

An occasional revenue sometimes accrues from

the duties collected at the public warehouses on the inspection of tobacco, exceeding the expenses incident to these establishments.

All property belonging to the State, or to any county, town, college or seminary of learning, and houses dedicated to public worship, are exempted from taxation. Persons may be exempted, for age or infirmity, by judgments of the county or corporation courts. Artizans, mechanics, and tradesmen, who migrate into the State, are exempted from all taxes except on lands, for five years after their migration, if, during that time, they continue to exercise their occupations.

The tax on lands and on houses, and lots in towns, taken collectively, for the year 1794, amounted to	\$57,636 58
The tax on slaves, to - - -	47,007 78
The tax on horses and mules is estimated to have produced - -	15,154 95
The taxes on carriages, ordinary licenses, and billiard tables, by estimate - - - - -	9,954 73

The total amount of taxes of 1794, collected by sheriffs, under the apportionments of county commissioners of the revenue, (H) - -	129,755 04
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From the foregoing gross amount of revenue, there ought to be deducted the following defalcations and expenses, incident to the assessment and collection:

Compensations of commissioners of the revenue paid in 1794 - -	\$11,931 60
Commissions to sheriffs for collection, five per cent. - - -	6,487 75
Allowances for insolvencies and errors, five per cent. - - -	6,487 75
Total charges of assessment and collection - - - - -	24,907 10

In addition to the commission of five per centum, which is the ordinary allowance for collection, a premium of two and a half per centum is allowed to sheriffs, who settle their accounts with strict punctuality.

The taxes on law process and official papers are collected by the clerks of courts, and by the officers by whom the papers are issued; the general taxes are assessed and collected pursuant to the following regulations:

Every county and corporation court in the State is required annually, in the months of September or October, to appoint one or more discreet and reputable persons to be commissioners of the revenue; in some counties the law requires the appointment of three commissioners, in others two; and in others one. Sheriffs, deputy sheriffs, and collectors of taxes, who have not finally settled their accounts, as also certain other officers, are declared incapable of serving as commissioners: in cases where the law requires the appointment of more than one commissioner to a county, the limits of their several districts are defined by the court having the right of appointment.

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The commissioners, after being qualified, by taking an oath faithfully and impartially to execute their trusts, receive from the commissioners of the preceding year, the books containing the permanent valuations of lands in their respective counties. In these books, all alterations, alienations, divisions, and additions, which occur in the county or district of a commissioner, are, from time to time, noted and recorded.

That the commissioners may be informed of the changes of individual property, the clerks of the general, district, county, and corporation courts, and the register of the land office, are required to furnish statements of all alienations, partitions, and grants, during the preceding year; in respect to alienations of entire tracts, the commissioners debit the purchaser and credit the seller for the tax transferred; in respect to lands which have been divided, the former tax is equitably apportioned between the proprietors. Lands recently granted are assessed at a price equal to other lands in the same district, similar in soil and situation.

In respect to taxable property, other than land, the commissioners are directed to commence a scrutiny on the 10th of March annually, to continue until the service is completed.

Each person, on the requisition of a commissioner, must furnish a written list of their taxable property, possessed on the 9th March, and verify the same on oath or affirmation. Persons who omit or refuse to exhibit verified lists, or who are guilty of concealments of taxable property, are subject to a fine and triple tax, on conviction before the next county court.

When the lists of taxable property have been taken, they are reduced to an abstract, according to a form prescribed by law, exhibiting the dates of receiving the lists, the names of the persons chargeable, and the articles subject to specific taxation. Of this abstract four copies are made, one for the use of the commissioner, and to be transmitted to his successor; one for the clerk of the county, by which to regulate county taxes and poor rates; one for the sheriff or collector of the tax; and a fourth for the auditor of the State, by which to hold the sheriff accountable.

At the time of rendering the abstracts before mentioned, which is directed to be on or before the last day of May annually, the commissioners are required to deliver to the clerks of their counties, and to the auditor of the State, correct copies of the state of the land tax, adjusted according to such alterations, alienations, and partitions, as are found to have occurred during the preceding year; by these returns the accounts of the State, and of the counties, are, from year to year, regulated. The commissioners, moreover, deliver to the sheriffs lists of the sums for which each person is chargeable on account of the land tax, by which to proceed in their collections.

Each commissioner is entitled to receive from the public Treasury, one dollar per diem for such a period as is judged requisite for the performance of his duties, by the county court; besides a fee of forty-two cents, for recording every

alteration in the land tax, payable by the party claiming an exoneration.

The counties are collection districts, of which there are eighty-eight in the State; the sheriffs are, ex-officio, collectors of taxes; they are appointed annually by the Governor, with the advice of his council, from a list of three justices of the county, nominated by the county courts; they cannot be appointed for more than two years successively.

It has been the usual practice for the county courts to nominate the justices in rotation, and for the Governor and Council to commission the first in nomination. If all the justices of the county refuse to accept the office, the county courts may nominate three freeholders, from whom an appointment may be made. In case of the disability or refusal of a sheriff to collect the public taxes, the Executive may appoint a collector.

Sheriffs and collectors, before entering on the duties of their offices, are required to enter into bonds, with sufficient sureties, before the justices of the county courts, in the sum of thirty thousand dollars, to secure a due collecting and accounting for the taxes imposed on their respective counties.

Persons who pay taxes may require a fair and distinct account of the articles upon which the same accrue, and also receipts from the sheriffs or collectors for the sums paid; if payment be not made on or before the first day of May, of all taxes due on the 31st day of December preceding, the sheriff or collector may distrain any slaves, goods, or chattels, found on the lands or in the possession of the person indebted, notwithstanding such slaves, goods, or chattels, are comprised in a deed or mortgage. All goods taken by distress, must be kept five days, after which time they may be sold for ready money, sufficient to discharge the taxes and incidental charges. Slaves cannot be distrained except for want of goods or chattels; no distress can be made after two years from the time when taxes become due.

In cases where effects sufficient to satisfy a tax are not to be found on the lands charged therewith, or where the persons indebted are insolvent, a list of such lands and insolvent persons may be rendered by the sheriff or collector to the county or corporation court, and if the court be satisfied with the truth thereof, they may admit the sheriff to make oath to such list, which, being certified to the auditor of public accounts, will entitle the sheriff or collector to a credit on settlement. Where it appears to the auditor that the persons indebted possess slaves or personal property in some other county, the taxes returned as uncollectible must be transmitted to the sheriff of the county for collection, with the taxes of the ensuing year. In case the said taxes are not collected during the ensuing year, it becomes the duty of the treasurer to publish, for three weeks successively, in the newspaper of the printer to the State, the names of the delinquents, with the quantity of land, the situation thereof, and the taxes due thereon; in case the taxes on any tracts of land not belonging to infants, insane persons, or married women, are not paid in three years, the right

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to such land becomes forfeited to, and vested in, the State; in favor of the persons above described, an exemption from liability to forfeiture is allowed, until the expiration of three years after their legal disabilities are removed.

The principles of the system of taxation before described, have been generally approved. Some objections have been made against the supposed inequality of the land tax, and against the mode of assessing houses and lots in towns. The duties of the county and corporation courts, have generally been well executed; the successive pretensions of justices to the primary office of sheriff have, however, not unfrequently occasioned defalcations, which might have been avoided by appointments with a sole reference to the qualifications proper for collectors of the revenue. The precise degree of punctuality with which taxes have been lately collected, is not known; of the tax for the year 1793, ten thousand dollars, and, of the tax for the year, 1794, eleven thousand dollars remained unpaid in August, 1796.

The expenses of supporting the State Government, and for contingencies and grants, in the year 1793, amounted to one hundred and twenty-seven thousand four hundred and forty dollars and thirty cents.

The same expenses, in 1794, were one hundred and fifty-seven thousand two hundred and one dollars, and seventeen cents.

The whole revenue of the year 1793 was one hundred and thirty-two thousand nine hundred and seventy-eight dollars and thirty-one cents.

And that of the year 1794, one hundred and fifty-nine thousand two hundred and sixty-nine dollars and thirty cents.

It is supposed that the statement for the year 1793 exhibits the most correct view of the usual annual expenditures.

The debt of the State is inconsiderable, and the arrearages of old taxes are considered as sufficient, when collected, for its extinguishment.

The amounts of the several articles which were subject to specific taxes, in the years 1786 and 1795, will appear in an annexed statement.

OF KENTUCKY.

The objects of taxation are as follow:

Lands, except town lots, which are divided into three classes, by entire tracts. The first class is taxed at half a dollar per hundred acres, the second class at one-fourth of a dollar, and the third class at one-eighth of a dollar, per hundred acres. Horses, other than stud-horses, at one-twelfth of a dollar, which last are taxed at various rates; neat cattle at one forty-eighth part of a dollar; slaves at one-fourth part of a dollar; ordinary licenses at ten dollars each; coaches and chariots at one dollar per wheel; other four-wheel carriages, except those used for purposes of agriculture, two-thirds of a dollar per wheel; riding two-wheel carriages at one dollar per wheel; billiard tables and retail stores, at thirty-three and one-third dollars each. Taxes are, moreover, imposed on each original writ of *subpena* in the court of appeals, at one dollar; on like writs or *subpenas*

in other courts, half a dollar; on each appeal to the court of appeals, two dollars; on each writ of error, *subpena*, or *certiorari*, from the court of appeals, one dollar; on each record of a deed for land, half a dollar; on every paper issued under the seal of the State, one dollar; and under the seal of any court, half a dollar.

In addition to the specific taxes before enumerated, town-lots are taxed, *ad valorem*, at the rate of half a dollar upon every three hundred and thirty-three dollars and one-third—the value to be ascertained without regard to improvements.

For the assessment and collection of these taxes, the following regulations have been provided:

The county courts divide the counties into districts, for each of which a commissioner of taxes is appointed, whose duty it is to collect lists or returns of the taxables belonging to individuals. These returns are taken on the oath of the party, between the 10th of March and 1st of July in every year. The commissioners, severally, determine to what class lands in their respective districts shall be referred, on the following principles: Where the greater part of a tract is superior in quality to second-rate land, it is placed in the first class; where the greater part of a tract is inferior to first-rate, and superior to third-rate, it is classed as second-rate; where the greater part of a tract is inferior to second-rate, it is placed as third-rate; and where the commissioner has no knowledge of the quality, he may take information, on oath, of the owner of the land, or of any other person. If no information can be obtained, the land is assessed as second-rate.

When the returns of individuals are collected, they are digested in alphabetical order by the commissioners, and returned to the county courts. Of the general list for the county, three copies are made—of which, one, certified by the clerk of the county court, is transmitted to the auditor of public accounts; a second is delivered to the sheriff of the county; the third is retained for the use of the commissioners.

The county courts have power to correct mistakes in the lists, and to relieve persons aggrieved by erroneous or excessive assessments.

Persons who omit to include the whole of their taxable property in their lists are subject to a fine, and to the payment of treble taxes. If lands are omitted, the party forfeits his right and title thereto. Non-resident proprietors may return their lands directly to the auditor, and pay the taxes thereon to the treasurer.

The sheriffs are generally collectors of taxes; they are elected every three years by the people of the respective counties; they are required to give bonds, with sufficient sureties, for the faithful discharge of their trusts. If a sheriff, in any case, cannot give bond to the satisfaction of the county court for the county, or if he decline to collect the public taxes, the court may appoint a special collector, with the same powers and like responsibility, in respect to the revenue, as are provided in the case of sheriffs.

The sheriffs may proceed to make collections, by personal demand of individuals, from the first

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day of December to the first day of April. After the first day of April they may distrain goods and chattels, and, for want thereof, may sell lands for the payment of taxes. They are enjoined to settle their accounts by the first day of August in each year. In cases where there are interfering claims, and two or more persons pay the taxes for the same land, the person evicted is entitled to compensation from the treasury.

In cases where persons indebted are deemed insolvent, they may be reported to the county courts, and, being so adjudged, their taxes are certified to the auditor, and passed to the credit of the sheriff or collector. If either a sheriff or collector be delinquent, judgment against them may be obtained, on motion, with a penalty of twenty per centum, in addition to the sums remaining in arrear.

The compensation allowed to sheriffs, is, a commission of five per centum; that of commissioners is one dollar per day for the time they are actually employed—which last allowance is paid on the certificates of the county courts.

The debt of the State is inconsiderable. The expense of supporting Government may be estimated at thirty thousand dollars per annum. The amount of each species of taxable property, agreeably to the returns made by the commissioners of the several counties, in the year 1795, appears in a statement hereto annexed.

OF NORTH CAROLINA.

The revenues of this State are derived from taxes on the following objects:

On all patented lands, except lots in towns, without regard to quality or situation, and on all entries of land, whether disputed or not, eightpence per hundred acres.

On every hundred pounds value of town-lots, with their improvements, two shillings.

On all white men of twenty-one years of age and upwards, whether free or bound to service; and on all slaves and indented servants of color, between twelve and fifty years of age, two shillings.

On stud-horses, various rates, which may be averaged at ten shillings each.

On licensed ordinaries, and houses for retailing spirituous liquors in small quantities, forty shillings per annum.

On every original writ, or leading process in equity, twenty shillings; in the superior court, ten shillings; in the inferior courts, five shillings; and on appeals from the inferior courts, eight shillings. On billiard tables, twenty pounds each.

The taxes abovementioned are collected under the following regulations:

The county courts divide the counties into convenient districts, and appoint a justice of the peace to receive the returns of taxables in each district. To facilitate the performance of this duty, it is usual for the captains of militia to advertise musters; to these musters the people repair, with written lists of their whole property subject to taxation, which are exhibited to the justices, on oath or affirmation. The period to which the lists refer is the first of April, annually. It is required that

each list should contain a specification of the particular tracts of land, the number of town lots, the counties and towns in which the same lie, and the number of white polls and taxable slaves appertaining to the family of the person exhibiting the same. Persons who omit to disclose true statements of their taxable property are liable to an amercement, and to the payment of a double tax.

The valuation of town property is effected by freeholders, three of whom are appointed annually in each town for this purpose by the county courts: they are sworn to estimate the true value of all lots, with their improvements.

The returns of individuals are, by the justices, exhibited to the county courts, with the names of the individuals who refused to comply with the law. Three transcripts of the returns, digested in alphabetical order, are then prepared; one is exposed publicly in the court-house, for the inspection and information of the people; another is delivered to the sheriff of the county, which constitutes a rule of collection; a third is transmitted to the comptroller of the accounts of the State, by whom the sheriff and his sureties are held accountable.

The sheriffs of counties are *ex officio* collectors of public taxes: they are appointed by the county courts, who are judges of the sufficiency of their sureties.

The sheriffs are authorized to collect not only the sums appearing on their lists, but also taxes from persons who omitted to make returns: from the latter they may collect a double tax, one-half of which accrues to their own benefit. To secure an account for such collections as are not borne on the lists furnished by the county courts, each sheriff is chargeable, in addition to the amount of his list, with one hundred pounds, unless he exonerate himself from the whole, or some part thereof, by rendering on oath a particular account of all two-fold collections. This provision is, by experience, found sufficient to secure returns of all extra receipts.

The sheriffs are authorized to commence their collections after the first of January: they may not distrain until after the first of April, but they are required to settle their accounts, and pay the moneys into the State treasury, by the first day of October, annually.

The sheriffs obtain credit for such taxes as appear to the county courts to be due from insolvents, on being certified as such to the comptroller. All taxes remain a lien upon lands until discharged, and where goods and chattels cannot be found, may be sold for payment of taxes.

The compensation allowed to sheriffs is six per centum on the amount of their collections, and an allowance of sixpence per mile for travelling to and from the Treasury, to settle their accounts. These compensations are both forfeited, if the sheriffs do not settle their accounts by the first day of October in each year.

When sheriffs are delinquent, the treasurer is required to obtain the certificates of the comptroller of the sums due, including the extra charge of one hundred pounds, and thereupon to apply for

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judgment and execution against the delinquents. These judgments are granted of course, on motion by the treasurer, without notice to the sheriff, or any evidence other than the comptroller's certificates.

The clerks of courts account with the treasurer for all collections made by them of taxes on law-process and fines on amercements.

The annual product of all the taxes before-mentioned may be computed at this time to be between fifteen and sixteen thousand pounds. The charges of collection and defalcations for insolvents are estimated at fifteen per centum.

On account of the tax for the year 1794, the returns of lands amounted to fourteen millions three hundred and fifty-nine thousand six hundred and seventy acres; and the number of free persons, servants, and slaves, subject to taxation, to one hundred and one thousand six hundred and five. The taxes on law-process, houses for retailing spirits, gaming-tables, and stud-horses, are supposed not to have produced, at any time, more than one thousand pounds per annum. The land tax has greatly increased since the year 1794, owing to the many new entries since that period.

The following estimates of the proportions in which each class of taxable objects contributes to a nett tax of between fifteen and sixteen thousand pounds upon the State, being founded on the foregoing data, cannot be materially erroneous:

Tax on lands, other than town-lots, computed on fourteen millions three hundred and fifty-nine thousand six hundred and seventy acres, at eight-pence per hundred acres	£4,786	10	0
Tax on white males of twenty-one years and upwards, and on all slaves and indented servants of color of both sexes, from twelve to fifty years of age, computed on one hundred and one thousand six hundred and five persons, at two shillings each	10,160	10	0
Estimated product of taxes on law process, houses for retailing spirits, gaming-tables, and stud-horses	1,000	0	0
Estimated product of the tax on town-lots and improvements, at two shillings in each hundred pounds	1,000	0	0
Estimated increase of the tax on lands since 1794, occasioned by new entries and grants	1,500	0	0
Gross product of all taxes	£18,447	0	0
Expenses of collections and defalcations, occasioned by insolvents, estimated at fifteen per centum	2,767	0	0
Estimated nett receipts	£15,680	0	0

There are fifty-eight counties or collection districts in the State. The whole revenue is collected by fifty-eight sheriffs and seventy-four clerks of courts and masters in chancery.

The expenses of supporting Government and

contingent grants vary from fifteen to twenty thousand pounds per annum. The deficiency of the State tax has been hitherto supplied from the proceeds of vacant lands. The debt of the State consists principally of paper bills of credit, of which about one hundred and fifty thousand pounds are estimated to be in the treasury and in circulation. The amount of the county taxes is supposed to be nearly the same, on an average, as the annual State tax.

OF TENNESSEE.

It is not known whether any law for collecting a revenue has been yet passed in this State.

OF SOUTH CAROLINA.

All the lands in this State are divided into districts, which are particularly described by law. Within most of the districts the lands are classed by general descriptions, indicative of their value, as resulting from natural fertility or situation. To each class a specific value is assigned, according to which all lands falling within a given class are uniformly taxed: For instance, all tide-swamps, not generally affected by the salts or freshes, of the first quality, are rated at six pounds per acre; of the second quality, at four pounds per acre; of the third quality, at two pounds per acre; all pine-barren land, adjoining such swamps, or contiguous thereto, with respect to the benefit of water-carriage, at ten shillings per acre; all prime inland swamp, cultivated and uncultivated, at an average of three pounds per acre; second quality at two pounds per acre; third quality, at one pound per acre; pine-barren land, adjoining or contiguous thereto, at five shillings per acre; salt marsh, or inland swamp, proved to be incapable of immediate cultivation, at five shillings per acre.

In like manner, all the lands in the State are valued by districts or classes. The quantities of lands subject to taxation at each rate, and of all other articles of ratable property, as returned in consequence of the tax granted in the year 1794, are hereto subjoined.

From the foregoing general rule of valuation, lands lying within the parishes of St. Philip and St. Michael, near Charleston, are excepted; these last, with lands, lots, and buildings, lying within any city, village, or borough, are assessed in detail, with reference to the local advantages and value of each separate lot or building, and in a relative proportion to lands in the country.

The tax on lands, lots, and buildings, has lately been ten shillings on every hundred pounds, or one-half of one per centum ad valorem; a like tax has been imposed on every hundred pounds of stock in trade, factorage, employments, faculties, and professions; clergymen, mechanics, school-masters, and schoolmistresses excepted. All slaves are taxed at four shillings and eight pence per head; and free negroes, mulattoes, and mestizoes, at nine shillings and four pence per head; a tax is collected on sales at auction, but the rate imposed is not certainly ascertained.

The assessors and collectors of taxes are the same persons; they are appointed by the Legisla-

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ture; vacancies which happen from deaths or resignations, are supplied by the Governor; the collectors hold their offices during the pleasure of the Legislature.

The collectors for the parishes of St. Philip and St. Michael are required to give bonds in the sum of ten thousand pounds; the other collectors are bound in the sum of one thousand pounds; before entering upon the execution of their offices, they are sworn to a faithful and impartial discharge of their trusts; in case of omission to take the said oath before entering upon their offices, they forfeit the sum of fifty pounds.

Three weeks prior to the first Monday in September, annually, the collectors notify the inhabitants to prepare returns of their taxable property; in the parishes of St. Philip and St. Michael, the collectors are required to call once at the dwellings of the inhabitants; in other parishes, fixed places may be appointed for receiving the said returns; no person can, however, be compelled to attend at a greater distance than fifteen miles from his residence, either for the purpose of delivering a return, or making payment of a tax.

Every person possessed of any taxable property, either in his own right, or in the right of any other person, as guardian, executor, attorney, agent, or trustee, is required to exhibit, on oath, an account containing an enumeration of each lot of land lying in any city, borough, or village, with the dimensions thereof, and improvements thereon; also of his lands in the country, with a particular account of the situation, quantity, and quality of the same, and the number of his slaves, and all other objects of taxable property; these accounts are taken with reference to the first day of October, annually. Persons who conceal any part of their taxable property, are subject to quintuple taxation on such part as has been concealed; persons who neglect, or refuse to exhibit their accounts, are declared to be defaulters, and may be doubly taxed, according to the best information which the collectors can obtain of their taxable property.

When the accounts of taxable property have been collected, the collectors determine the class to which any lands shall belong; and in respect to other objects of taxable property, they annex such valuations as they judge equitable. The assessments on stock in trade, faculties, and professions, are founded on conjectural estimates, according to the best judgment of the collectors. These assessments are understood to be generally very moderate; in Charleston, they are graduated according to the circumstances of individuals, from five thousand to one hundred dollars.

When individuals judge themselves to be over-rated, they are allowed to fix the quantum of their assessments, by declaring on oath the value of their property; their declarations so made, become, in this case, a rule for the government of the collectors.

There are two treasurers in South Carolina, one residing in the upper and the other in the lower country. To these officers, the collectors of taxes account, by delivering two lists; the first

containing a specification of all taxable property returned to them, with the names of the persons who returned the same, and the sums paid by individuals, respectively; the second containing an account of all taxable property which has come to the knowledge of the collectors, and which has not been returned. Collectors who refuse to render accounts, on oath, in the manner before mentioned, may be committed to prison by warrants from the commissioners of the treasury.

Lists, containing the names and sums assessed upon individuals, are publicly exposed at the exchange in Charleston, or at some public place in the parishes where they reside for ten days; after which time, if the taxes are not paid, warrants are issued by the collectors, directed to the nearest constable, or to the sheriff of the city of Charleston, commanding them to levy the taxes by distress and sale of real and personal estate: if the defaulter neglect or refuse to point out lands, or to produce goods or effects, whereon the warrants may be levied, his person may be taken and committed to prison. Taxes are preferred to all securities, and must be paid out of the assets in the hands of executors, prior to any judgments, mortgages, or debts whatsoever.

Lands and property, of persons residing out of the State, upon which the taxes are not paid, with interest thereon, within one year after public notice in the gazettes of the State, are forfeited to the use of the State, saving the rights of infants and married women, until two years after the removal of their legal disabilities.

The property of persons residing without the limits of the United States, except persons in the employment of the State, or of the United States, and young men sent abroad for their education, until they attain the age of twenty-three years, is subject to double taxation. Property belonging to religious or charitable societies, cities, or free schools, is altogether exempted. Individuals may elect in what parish to pay their taxes; the taxes paid in Charleston, of course, include assessments on property lying in all parts of the State.

The collectors are allowed a commission of five per centum on the sums accounted for by them, except those for the parishes of St. Philip and St. Michael, who are allowed only two and one-half per centum.

The balance found due from the United States, on the final settlement of the accounts of the late war, is understood to be nearly equal to the domestic debt of the State; a sum of about two hundred and ten thousand dollars remains due to certain foreign creditors, for the interest and reimbursement of which, an annual tax of one-fourth of a dollar per head on slaves, is pledged and appropriated. The expenses of maintaining the State Government and contingent grants, are estimated, on an average, at one hundred and twenty thousand dollars. The expenses of the city of Charleston are defrayed by local taxes; from September, 1795, to September, 1796, these expenses amounted to nearly fifty thousand dollars; the amount of parochial and other taxes in the country is not known.

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The period during which a State tax has been usually in collection is not ascertained. It is inferred, however, from information which has been obtained, that the practice of combining the appointments of assessors and collectors in the same persons; the want of an efficient control over the accounts of the collectors, of which this association of duties has been a consequence; and the permission to individuals of electing the parish or county where their taxes shall be paid, have been causes of defalcations and delays, which would not otherwise have been experienced.

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Lands in this State, as in South Carolina, are laid into districts or classes, to each of which a value is assigned by law. In the act granting a tax for the support of Government for the year 1796, tide swamps of the first quality are rated at ten dollars and thirty-nine cents per acre, and pine barren lands at twenty-one cents per acre. Lands of intermediate qualities are rated at various rates, according to their advantages either of soil or situation.

On the value of lands, agreeably to the classification above-mentioned, and on the value of all lots, wharves, and buildings, within the limits of any town, village, or borough, as ascertained by a particular assessment, a tax has been imposed of forty cents upon each hundred dollars.

On every hundred dollars value, at prime cost, of the stock in trade of shopkeepers, twenty cents.

On every hundred dollars value of foreign wares, liquors, and merchandise, sold, bargained, or trafficked for, by factors and brokers, eighteen and three-quarter cents.

On every hundred dollars of the funded debt of the United States, fifty cents.

On all free white male persons of the age of twenty-one years and upwards, and on all slaves under the age of sixty years, thirty-seven and a half cents.

On all male free negroes, mulattoes, and mestizoes, from the age of twenty-one years and upwards, over and above the taxable property they may be possessed of, fifty cents.

On all negroes brought into the State by sea, for settlement or sale, except such as are brought in by emigrants from any part of the United States, ten dollars.

On all professors of law or physic, and on all factors and brokers, four dollars.

On all billiard tables, fifty dollars.

The county courts have power to remit the poll tax in favor of indigent and infirm persons.

In every county there is appointed a receiver of tax returns, who is sworn to a faithful discharge of his duty. The receivers are required to give notice to each captain's district in their counties, by previous advertisements, for ten days, of the times and places where they will attend to receive returns of taxable property. They are required to attend three days in each district, which days must not be within seven days of each other. The commanding officer of each company must furnish the receivers with lists, on oath, of all per-

sons in their districts liable to the payment of taxes.

All persons possessed of taxable property are required to exhibit, on oath, particular accounts thereof, to the receivers of tax returns, under a penalty of ten dollars for every hundred dollars value omitted or concealed, and a liability to the payment of double taxes, to be ascertained by three freeholders of the county.

When the returns of inhabitants have been collected, they are by the receivers digested into a general return, of which three copies are made, one for the use of the collector of the county, a second for the treasurer of the State, and a third for the county court of the county. Within one month after the returns are made, the receivers are required to publish, in the State gazette, the names of all defaulters.

The counties are collection districts. The collectors are required to give bond, with surety, according to the magnitude of the sums entrusted to them for collection, from twenty thousand to three thousand dollars; they are sworn to a faithful discharge of their offices; the sufficiency of their sureties is determined by the justices of the county courts. Receivers of tax returns and collectors are appointed by the Legislature; vacancies are supplied by the Governor.

The act granting the tax for the present year, was passed in the month of February. Individuals are allowed till the first of December to make their respective payments, after which their goods and chattels may be distrained and sold; if goods and chattels are not to be found, lands may be taken, sold, and conveyed by the collectors, notice for twenty days, being previously given in the public gazettes of the State. The collectors' accounts must be settled with the treasurer before the first day of February, 1797. Claims of collectors on account of taxes due by insolvents, are to be presented on oath, to the grand jurors of the respective counties, who are empowered to decide finally thereon.

The receivers of tax returns are allowed two and one-half per centum on the taxes arising upon the property reported by them, beside six cents and one quarter on each return of a poll without property. The collectors are allowed five per centum on the sums accounted for by them, and certain fees in cases of distress, which are paid by the delinquents.

No information has been obtained of the quantities of taxable property in this State, of the amount of its debt, the usual expenses of maintaining Government, or the manner in which the revenue laws have been executed.

As an apology for the minuteness of the foregoing detail, the Secretary respectfully observes, that, fully conscious of the importance and difficulty of the subject under consideration, he has been anxious to prevent the consequences of any misapprehensions on his part, by a full exhibition of the data upon which his opinions have been formed. Owing to the great variety of acts and documents, which it has been necessary to con-

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sult, it is not to be presumed that the foregoing recital is perfectly accurate. It is hoped, however, that no errors will be discovered, which can embarrass or delay the deliberations of the Legislature.

In the expression of opinions respecting the best mode of imposing the proposed tax, the three following have been suggested:

1. That an act of Congress should be passed, declaring the quotas of the different States; assigning a time for payment into the treasury, and prescribing, in cases of delinquency, that the said quotas should be assessed and collected by authority of the United States, upon the same objects of taxation, and pursuant to the same rules by which the last taxes were assessed and collected by the respective States.

2. That the act of Congress should direct that the proposed tax should be assessed and collected under authority of the United States, upon the same objects of taxation, and pursuant to the rules of collection by which taxes are collected in the States respectively.

3. That the act of Congress should define certain objects of taxation, and principles of assessment, according to which the proposed tax should be assessed in all the States, to be collected pursuant to uniform regulations.

The first of these propositions deserves but a momentary consideration. In the first place, it is obviously liable to every objection which can attend a reliance upon State contributions in any other and less exceptionable form. Secondly, it partakes of the system of requisitions upon the States, which utterly failed under the late Confederation, and to remedy which, was one great object of establishing the present Government. Thirdly, it presupposes a possible necessity of recourse to the national authority, under circumstances of unavoidable collision with the State Governments.

It may, therefore, be safely affirmed, that, if this mode should be adopted, all certain expectation of a revenue from direct taxes will be destroyed; that discontents and jealousies between the different members of the Union will be excited; and that the constitutional power of the Government of the United States will be required to be exerted under unfavorable circumstances.

The second proposition is recommended by plausible, if not solid considerations; and as the resolution of the House countenances an expectation that a plan of this nature may be realized, its advantages and disadvantages have been maturely considered.

It appears, from the account already given of the fiscal systems of the several States, that, in many instances, they have been long established; that, in general, they are well approved by the people; that habit has rendered an acquiescence under the rules they impose familiar. A presumption in favor of their intrinsic merit, arises from their having been enacted by Legislatures possessed of a minute and particular knowledge of the circumstances and interests of the respective States; and it may be conceded that, so far

as the principles of the State systems can, with propriety, be adopted by Congress, the hazards of new experiments, and the delays incident to the organization of a new plan, will be avoided.

It is believed that the foregoing observations comprise the substance of all the arguments which can be urged in favor of the proposition to be considered. They are acknowledged to be of weight. According to first impressions on most minds, they will be pronounced almost irrefragable. It is, however, presumed, that a particular knowledge of the State systems, and attention to their operation, will produce a conviction that the plan is liable to great, if not insuperable objections.

1. The systems of the States are, in many instances, utterly different from each other, in respect to objects and principles of taxation.

The truth of this proposition is demonstrated by the preceding part of this report, and by the documents which are hereunto annexed; it may be proper, however, to contrast some of the most important features of difference:

1st. Uniform capitation taxes, or taxes on persons, without respect to property, professions, or occupations, are imposed in Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, North Carolina, and Georgia. The proportion of taxes raised in this manner, in Vermont and Georgia, is not ascertained; in the other States above mentioned, the capitation taxes produce between two-ninth parts and somewhat more than one-third part of all the sums collected. In the other States this tax is unknown, the taxes on professions, and certain classes of persons, and on slaves, not being considered as of this description.

2d. Taxes on horses and cattle, with certain exceptions, are imposed in Vermont, New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, and Kentucky. Horses only, are taxed in Virginia. The whole stock of farms is included in the general valuations of property in Rhode Island, New York, Delaware, and Maryland. In all the other States, no part of the stock of farms is subject to taxation.

3d. Taxes are imposed on the mass of property, real and personal, with certain exceptions, in the States of Rhode Island, New York, Delaware, and Maryland. In the other States, specific objects are designated.

4th. Lands, including those unenclosed and uncultivated, are subject to taxation in all the States, except Vermont and Delaware. In the latter State, they will be hereafter taxed. Lands are uniformly taxed by the quantity, without reference to soil or situation, in North Carolina. They are divided into three classes, with reference to quality, in Kentucky, each of which is uniformly taxed. They are taxed uniformly, by districts, in South Carolina and Georgia, whether cultivated or uncultivated. They are taxed according to a permanent valuation, in Virginia. The relative value of lands in different counties or districts, is determined by law, in Maryland and New Jersey; within which districts they are taxed *ad valorem*, not exceeding certain average rates. In Pennsylvania, lands are taxed *ad valo-*

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rem, according to triennial assessments. In Connecticut, except certain lands in two counties, they are taxed according to the mode of cultivation or condition, by a uniform rule, without reference to value. In Massachusetts and New Hampshire, they are taxed according to their produce or supposed annual rent or profit. In Vermont, enclosed and cultivated lands, with certain exceptions, are uniformly taxed, without reference either to value or profit.

5th. Stock employed in trade or manufactures, and moneys loaned on interest, are taxed on different principles, in different States. In some States, these objects are wholly exempted.

6th. Assessments at discretion, on the supposed property and income of individuals, are permitted in various degrees, and under different modifications, in some States. In other States, all taxes attach to certain defined objects, at prescribed rates.

Other circumstances of discrimination might be noticed; those which have been mentioned, are, however, sufficient to show that the State systems are utterly discordant and irreconcilable, in their original principles. It now remains to deduce the objections arising from this diversity of system.

It is assumed as a principle, that all the objects of income, whether consisting of skill, labor, or capital, bear certain relations to each other, which may be defined to be their natural value.

When a consumable article is taxed, the relations by which value was before determined, are immediately affected; the tax being an unavoidable expense attached to the article, enhances its value. But, though the value of the article in this sense is enhanced, by being rendered the subject of taxation, it is well known that its price in money may still remain as before, or may be enhanced, or may even be depressed. Value, therefore, is determined by the degrees of labor, skill, and expense, necessarily bestowed on a subject; while price is determined by the correlative demand for money, and the articles for which money is exchanged.

Various causes may influence price, independent of, and unconnected with, taxes. The most useful of these are the occasional plenty and scarcity of money, or its substitutes; or a redundant or deficient supply of exchangeable commodities. The vibrations of price, produced by these causes, are, however, always temporary; it being the constant tendency of free commerce to restore that equilibrium which results from a coincidence between price and value.

Unless taxes are laid with a view to encourage certain objects, by giving a new direction to the public industry, it is proper that the natural relations of value should be regarded. When, notwithstanding a new tax, the price and value continue to be coincident; when no business or profession is either encouraged or discouraged, taxes may be said to be laid with perfect equity, and in exact proportion to the relative ability of individuals.

Various have been the devices of nations to
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attain this object; the regulations of the United States have been, hitherto, governed by the following maxims:

1st. To tax the same subject, in all cases, by an uniform rule.

2d. To protect every taxed article by a proportional tax upon its competitor.

3d. To prevent disadvantageous competitions in foreign markets, by bounties or drawbacks, proportioned to the amount of the tax.

There appears to be no good reason, why these principles, so far as circumstances will permit, should not be respected in a system of direct taxation for the United States; their application to the subject, and the objections which they form against the State systems, are obvious.

If an article is taxed in one State, and is entirely exempted or differently taxed in another State, the action of the tax upon the same subject must be different in these different situations; in the State in which the article is taxed, it must suffer, not only from the new and disadvantageous relation in which it will be placed in respect to other branches of industry, but it must also suffer from competitions of industry similarly employed in other States. From the first mentioned disadvantage, relief will in time be obtained, by the operation of those causes which invariably conform all supplies to the state of the demand; from the last, it can never be relieved, except by a change of situation. The tendency of opposite systems of taxation, in the same country, if the foregoing positions are true, must, therefore, be, to dislocate property, and to divert industry from those situations in which it might naturally have found employment.

The Secretary feels no disposition to magnify the force of this objection, and therefore he observes, that the influence of such a tax as is now proposed to be laid, may not be so considerable as to be immediately visible. An effect can only be proportioned to its cause; if, therefore, the theory should be admitted to be true, yet, if its application to practical purposes is only to be justified by speculative reasoning, and shall appear to be unfounded in probability, it may, with propriety, be discarded.

In speaking of the probable effects of collecting a general revenue, by diverse modes of taxation, it is, however, proper to notice that the peculiar circumstances of the United States will justify an opinion, that even slight causes may produce great effects. Enterprise, in pursuit of wealth, is a characteristic of Americans; a part of our country is wholly unexplored, and the residue susceptible of great meliorations; a free circulation of industry and wealth is patronised by our laws; capital is very equally divided; attachments and habits, favorable to particular employments, are but imperfectly formed; expensive manufacturing establishments exist but in few instances, and rarely accompanied with any peculiar local advantages.

It is believed that most of these circumstances favorably discriminate the United States from every other country; they are all of a nature to

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render the effects of any general system of taxation inoppressive, by facilitating a restoration of that proportional level between price and value, supply and demand, which taxes have a tendency to disturb; but, at the same time, they powerfully dissuade from systems of a local bias and operation.

It is no refutation of this objection to say, that the existing relations of property and industry have conformed to the State systems, and would be disturbed by a change. It is known that the State taxes have generally been very inconsiderable; that the most partial taxes, when very moderate, produce no sensible effects; that when, as during the Confederation, attempts were made to draw a considerable revenue from requisitions, insuperable difficulties were found to attend the collection of direct taxes, in every State; it will also be recollected that these difficulties were, in a great measure, ascribed to the discordance and counteraction of opposite systems; experience, therefore, instead of refuting, affords a proof of the principles herein maintained.

II. A second objection against adopting the laws of the States arises from the diversity of the principles by which taxes are apportioned and collected.

It appears from the preceding part of this report, that, in the States south of Delaware, including Kentucky, all taxes attach to persons or to individual property, and that the assessing and collecting officers are appointed by the Legislatures, State Executives, or by certain courts. In the States north of Delaware, taxes attach to corporations or districts, as townships or counties, in which the assessing and collecting officers are chosen by the people, who are ultimately responsible for their conduct. In the State of Delaware, taxes are apportioned to counties, but, as the collectors are appointed by the treasurer, the counties are not responsible.

It is of the utmost importance that a strict responsibility should be maintained in every grade of the fiscal department; without real responsibility, the characters of those entrusted with the public revenues can never be protected against unjust suspicions, nor can abuses be long prevented.

To secure responsibility in the collection of a direct tax, it appears to be essential that the persons who assess the tax should be different from those who collect moneys from the people; in other words, no man ought to be allowed to prescribe the rule by which individuals are to contribute, and by which his own accounts are to be adjusted. If it shall be determined to impose a direct tax, in the mode prescribed by the laws of the several States, it is not perceived how the principle of rendering districts responsible for fixed quotas, can, in respect to certain States, be renounced.

Nothing is more certain than that a new assessment will be necessary for every tax imposed on objects of a transitory nature; and that, in proportion to the variety of objects, will the details

of assessments be rendered complicated, and susceptible of error.

To establish officers in every district, possessed of skill competent to institute and maintain a check on the collectors, would be attended with enormous expense; to allow the people to elect assessors in the manner now practised, and, at the same time, to renounce the idea of local responsibility, would be manifestly unsafe. Under such a system, there could be no security that local partiality would not lead to connivances for the suppression and concealment of property justly subject to taxation. Notwithstanding the temptation to practices of this kind is greatly diminished, by establishing quotas, yet the returns of taxable property, hereto annexed, exhibit, in some instances, most decisive indications of imperfection.

There is reason to believe that an experience of the difficulty of obtaining accurate and impartial assessments has dictated many of the late changes in the State systems; it being observable that where the principle of local responsibility has not been adopted, the systems of taxation have been simplified, and more and more confined to visible and permanent objects.

But, though the principle of local responsibility appears to be a natural consequence of assessments, requiring a minute and frequent specification of taxable objects, yet it is to be observed that a system of this nature is frequently dilatory, and sometimes may be found impracticable, owing to the intrinsic difficulties which must ever attend the coercion of communities.

In the States south of Pennsylvania, where taxes attach to persons or to individual property, the State regulations are more coincident with those by which the internal revenues of the United States have been hitherto governed, than in the northern section. The taxes are more specific, and are confined to fewer objects. Nevertheless, in some of the States, the assessment of a tax would necessarily require specifications of considerable extent and intricacy, in order to secure a due responsibility to the public.

If it should be determined that the rules by which taxes are collected in the several States shall form the basis of an act of the United States, still provisions would be necessary in cases where the State laws are defective; in the States of New York and Pennsylvania no taxes have for several years been imposed, except for county purposes; the quotas of the several counties, in respect to the last tax, would evidently be unsuitable at present; and even if the valuations by which county taxes are now assessed, were known, they would not afford a just criterion for apportionments; being designed merely to regulate the quotas of townships, and the proportions of individuals, no judgment of the relations of the several counties to each other could be deduced from them.

In some of the States, all officers, in others, officers of certain descriptions, are disqualified by law from accepting appointments under the General Government; serious inconveniences have been experienced in the collection of the internal

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revenues already established, from this cause; they would be increased by an adoption of the State systems to a degree which it is not easy to foresee or calculate.

To the objections which have been stated, and which relate to local and subordinate administration, it is proper to add those which would affect the Treasury Department, under the operation of a system predicated on the proposition now considered.

No extensive business can be conducted with security, except it be susceptible of plain, distinct, and invariable regulations. Cases will, indeed, arise, relative to which some degree of discretion must be exercised. Under a well-organized plan, these cases may always be identified, to be judged of according to their particular circumstances and merits. In proportion to the complexity of any system, will be the number of doubtful or anomalous cases, and in the same proportion will the number of general rules, and the volume of details, be increased.

All causes which complicate business tend to produce error, to lessen responsibility, and to encourage and foster suspicions to the disadvantage of the Executive Administration. It is believed that the laws relating to the fiscal department have been hitherto framed according to principles, and executed in a manner, which will admit of a satisfactory elucidation of every material transaction. Though the business of the Treasury consists of several branches, yet each branch is governed by uniform rules; there has, therefore, as yet, been introduced no other complexity than what unavoidably results from a variety of duties. To enforce one simple and uniform system of taxation throughout this extensive country, would considerably add to the labors of that Department; the considerations which have been mentioned, oppose strongly that accumulation of duties which would result from a system founded on a diversity of principles.

The Secretary presumes that it has been evinced that there are weighty, if not insuperable, objections against an adoption of the State systems by the United States; the more difficult task of proposing a plan, not attended with difficulties of equal or greater magnitude, remains to be attempted. To this end, a review of the principal taxes collected in the several States, appears to be necessary.

1st. Uniform capitation taxes, or taxes on persons, without reference to property.

This species of tax is liable to fewer objections in the United States than in any other country; such is, and must be, the demand for labor, while lands are so easily attainable as at present, that there can be no danger of depressing the condition of laborers. A tax of this nature could, moreover, be easily adjusted, both to the rule of uniformity and to the rule of apportionment, by one of which the Constitution requires that all contributions shall be regulated.

But it cannot be doubted that capitation taxes tend to increase the price of labor, and of

course to discourage manufactures, contrary to the policy of the United States. Moreover, by multiplying the objects of taxation, an undue proportion of the public burdens is thrown upon the class of middling farmers, whose interests appear to be disadvantageously affected by the operation of most of the State systems. This species of tax is decidedly opposed by public opinion in some States. A new assessment would be necessary for every tax, the expenses of which, and of maintaining a due check upon the collection, would be disproportioned to the revenue; and owing to migrations, a considerable part of every assessment would fail of being collected. On these grounds, capitation taxes are deemed inexpedient.

2d. Taxes on the stock and produce of farms.

Taxes of this kind are unequal, even when imposed according to uniform rates, as is the practice in most of the States. When they are not imposed according to uniform rates, they are necessarily arbitrary, and still more unequal. The same article, in different situations, being of very different value, a uniform tax on the stock of farms could not fail of producing various results in respect to the income of individuals. Taxes of this nature discourage improvements. Beasts employed in agriculture and common transportation are, in no respect, more eligible objects of taxation than the tools and implements of a farm, or those of a trade or profession. A great proportion of the stock of middling farmers is of this description, upon which a tax on the stock of farms would fall with undue weight. Such a tax would require minute specifications and repeated assessments; the effects of which towards increasing the expenses of collection and diminishing the responsibility of the revenue officers, have been already noticed.

3d. Taxes on stock employed in trade and manufactures, and on moneys loaned on interest.

It is believed that direct taxes on these objects, except in extraordinary and temporary emergencies, are impolitic, unequal, and delusive. When taxes of this kind are so levied as not to be, in some form, reimbursed to the contributors, they tend to drive capital, commerce, and industry, from a country; in other cases, they operate as taxes on consumable commodities. They are either arbitrary, or they require an inquisition into the circumstances of individuals, to which free Governments are incompetent. As it is practicable, in most cases, to arrive at the object proposed by taxes of this description, by means of uniform duties on consumable commodities, and on visible signs of expense, there appears to be no reason for recurring to a mode which constant experience has shown to be unequal and unproductive, and which is in its nature arbitrary.

4th. Taxes on the profits resulting from certain employments.

This head will comprise a variety of taxes collected in certain of the States upon lawyers, physicians, and other professions, upon merchant

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traders, and mechanics, and upon mills, furnaces, and other manufactories. In some States these taxes are attempted to be proportioned to the gains and profits of individuals, in which cases they are both arbitrary and unequal; in other States, the taxes are uniform, in which cases they are only unequal.

It is presumed that taxes of this nature cannot be considered as of that description which the Constitution requires to be apportioned among the States; moderate taxes of this kind have been resorted to in most countries. It is impossible to render them exactly equal; that they are easy of collection, that their operation is indirect, and that they are capable of being rendered perfectly certain, are recommendations in their favor.

5th. Taxes on lands.

A direct tax, in the sense of the Constitution, must necessarily include a tax on lands; it therefore only remains to determine on a mode of assessment, of which the principles shall be, as nearly as possible, certain, uniform, and equal.

The general principles, according to which lands are now taxed in the several States, have been already mentioned. Taxes on the quantity of lands, without respect to quality, situation, or improvements, are both certain and uniform; but they are so manifestly unequal as to be altogether improper, except in countries very recently settled, and where the taxes are very moderate.

Uniform taxes on lands, with reference merely to districts or local situation, are certain; but when imposed on districts partially and unequally improved, they are exceedingly inequitable. If any considerable taxes should be imposed, according to this rule, on lands so circumstanced, it is believed that it would be perceived to be their tendency to accumulate landed property into few hands, and to discourage improvements.

Uniform taxes, with reference to the quality of lands, determined by a classification, are somewhat less certain, though more equal, than either of the modes beforementioned. During a certain period after the first settlement of a country, this mode of raising a moderate revenue appears to be liable to no considerable objection.

A uniform tax on all improved lands would be sufficiently certain, though very unequal, except in a country the lands of which were nearly similar in quality, productions, and advantages, in respect to markets; this mode of taxation is, therefore, but illy adapted to the condition of any other than a small State and recent settlements.

A uniform tax on lands, with reference to their condition or mode of cultivation, would evidently be unsuitable, except in a small State, where the quality of the lands and circumstances of the people were nearly similar; the frequency of assessment which this mode of taxation requires is of itself an insuperable objection against its adoption as a general rule.

Taxes proportioned to the value of improved lands, and taxes proportioned to their produce or annual income or rent, are nearly, if not entirely, alike in principle. In countries where lands

are generally leased and cultivated by tenants, the annual rent affords a certain criterion of value; but in this country, where lands are generally held and cultivated under allodial tenures, the sums of money for which lands are commonly sold afford a more correct standard. As unimproved lands afford no rent, their value can be no otherwise determined than by the rule last mentioned.

The value of lands being assumed as the most eligible criterion of assessment, a question arises, how often will new assessments be necessary?

In a country generally peopled or cultivated, or, in other words, where the relative value of lands has been adjusted by settlements in every part, there appears to be no necessity for frequent valuations. On the contrary, taxation, by a permanent and invariable rule, would be most convenient for both the public and for the proprietors, until some cause had operated an essential change in the relative value of landed property.

Our country is, however, far removed from that fixed state which alone could justify an attempt to establish a permanent standard of taxation. It may be expected that in some parts the value of lands will decline, in others, it will certainly increase. As no tax on lands occupied for purposes of agriculture can exceed the value of a certain proportion of its produce, it might follow that the resources of the Government would be unreasonably and improperly restricted by the establishment of a permanent rule. On the contrary, frequent valuations are discouraging to improvements, and necessarily occasion the expenses incident to assessment and collection of the revenue to be excessive; such a mean between a permanent rule and annual valuations, therefore, appears to be advisable, as would, on the one hand, produce an apportionment in a great measure corresponding with the actual value of lands, and, on the other, not discourage improvements or inconveniently enhance the expenses of the assessment. A period of not less than ten years nor more than fifteen years, is suggested as a proper medium.

Temporary and perishable improvements, including buildings, do not appear to be proper objects of valuation in the assessment of a tax on lands.

The expediency of a tax on unimproved lands is at least doubtful; being absolutely unproductive, the capital advanced by the proprietors can only be considered as a species of loan, to be reimbursed at a future period, or as an expenditure for the purpose of commencing settlements. Large tracts of land are held by persons whose only object in making purchases was the investment of capital with a view to security, and to the profit expected from future sales; perhaps equal quantities in the aggregate are held in small portions, which were purchased with a view to actual improvements.

It has been sometimes supposed that taxes on new lands tend to encourage settlements and to promote an equal division of landed property; this opinion has probably been founded on an observation, that wherever considerable taxes have been

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imposed, extensive alienations have followed. The vibrations of price, and consequent speculations and frauds which have been thereby occasioned, have been serious evils. Considering the immense quantities of new lands in this country, there is no hazard in affirming that monopolies, for any considerable time, are utterly impracticable; though, in particular places, proprietors of extensive tracts may counteract settlements, yet it will more frequently happen that the competitions between sellers of lands will be decidedly favorable to purchasers; in general, proprietors will, from views of private interest, be active encouragers of new settlements.

The greatest obstacles to the vigorous and successful prosecution of new settlements arise from the general poverty of the first cultivators, and the hardships which they are obliged to encounter. It is the policy of individuals who are desirous of promoting settlements, and who are able to command capital, to diminish these inconveniences as much as possible. Not unfrequently, the first improvements are made at the expense of proprietors other than actual settlers. When this is not done, the necessity of an advance, which would diminish the stock of the cultivator, is obviated by sales of land on credit for a term of years. Taxes on new settlements create a demand for capital; their tendency must be disadvantageous to the poor and favorable to the wealthy; they may, indeed, operate to the benefit of one description of capitalists and to the injury of another, but it is believed that an impartial appeal to experience will demonstrate that, wherever taxes have been imposed for other than local purposes, immediately beneficial to new settlements, they have produced an accumulation, not a division of landed property.

But, though it appears to be inexpedient to extend the proposed tax to unimproved lands generally, it will not be possible to exempt them in all situations, without relinquishing that criterion for regulating the accounts of the revenue, which would result from an ascertainment of the quantities of lands within the districts to which the tax may be extended. As being a medium most consistent with equity and the security of the revenue, it is proposed that the law should define the limits to which the sphere of taxation shall be extended, and that it should prescribe a maximum of value, above which unimproved and unenclosed lands shall not be valued, in certain districts, to be defined.

It appears to be proper that all lands belonging to corporations or individuals, which are or shall be permanently exempted from taxation by the laws of the States, respectively, should also be exempted by the United States.

6th. Taxes on houses.

In a scientific view, a tax on houses can only be considered as a tax on expense, and in no sense as a tax on capital or revenue; whether a tax of this nature be imposed on the landlord, builder, or tenant, it must, under the operation of a permanent system, finally fall entirely upon the tenant. Per-

manency and immobility are the only properties which distinguish houses from those objects of taxation which are universally considered as manufactures and consumable commodities. It is, indeed, the tendency of these properties to protract a readjustment of the natural relations between price and value, supply and demand, whenever they happen to be varied by taxation, or any other cause; they are, however, deemed insufficient to change the definition and nature of the subject.

Houses, therefore, being, in respect to their occupants, unproductive objects, and, in a fiscal view, mere indices of expense, the expediency of subjecting them to direct taxation is somewhat questionable.

It is conceived that the houses and other buildings of the great body of farmers and laborers of a country ought to be regarded as objects of necessary expense, which are supported out of the profits of labor, or some other productive fund. Houses of this description are not, therefore, the most eligible objects of public revenue. If the tax were imposed by an uniform rule, its operation would not be materially different from an equal capitation; if imposed according to the value of the building, it would be very unequal in respect to the revenue of individuals, and would, moreover, tend to discourage durable improvements.

Such houses, however, as exceed in value the average of those occupied by farmers and laborers, may be regarded as among the most suitable objects of taxation. Perhaps there is no single criterion by which the comparative expenses of individuals can be so fairly estimated as by their dwellings. The assessment of a tax upon certain descriptions of houses only, unless restrained by legal provisions, might, however, be attended with difficulties arising from the danger of prejudice and partiality on a subject where no sense of a common interest would operate to prevent abuses.

As a security against oppression, it is proposed that the law should declare that houses, with the lots upon which they are erected, not exceeding two acres in any case, and not exceeding a certain value, to be defined in respect to each State, shall be wholly exempted.

It is further proposed that all houses and lots exceeding in value the description to be exempted should be distributed into three classes, with reference to their value, to be taxed uniformly in each class, at specific rates, to be prescribed by law.

By this mode, all uncertainty in the assessment, except that of determining the class in which a house ought to be placed, would be obviated, and this, in respect to so small a number as four classes would not be very considerable.

The Secretary is not possessed of sufficient information to be enabled to suggest limitations of value, by which it may be proper to define the proposed classes. This defect, it is presumed, can be readily supplied by the Representatives of the respective States.

*Direct Taxes.*7th. *Taxes on slaves.*

It has been remarked that taxes on slaves are of a nature essentially different from capitation taxes on freemen, with which they are sometimes confounded. Among the strong circumstances of discrimination which confirm this position, it is barely necessary to mention that slaves are generally incapable of performing any other than the most simple operations of agricultural labor; that they exercise no volition or choice respecting the nature of their employments; and that their condition is neither depressed nor ameliorated by the operation of taxes, which fall invariably on their proprietors, in the same manner as taxes on the stock and produce of farms.

The circumstances alluded to, considered in connexion with the uncertainty and expense which repeated assessments would occasion, afford sufficient arguments to justify an exemption of slaves from taxation, were it not that they contribute very considerably to increase the quotas of several of the States. To exempt a species of property which enhances the proportions of several States, and thus to relieve one class of landed proprietors at the immediate expense of another, does not appear to be equitable. On this ground, such a tax on slaves as may be sufficient to correct what would otherwise be an inequality, appears to be advisable.

The Secretary is not sufficiently informed to be able to express an opinion respecting a suitable rule of assessment; it is important, however, that the rule should be uniform, even though it should, on that account, be rendered somewhat unequal.

It does not appear expedient that the proposed direct tax should be extended to any other objects than have been mentioned. These are as follow:

1st. Lands, which it is proposed should be taxed *ad valorem*, but under limitations, to be prescribed by law, in respect to the estimated value of unenclosed and unimproved lands, in districts to be defined.

2d. Houses exceeding in value those most generally occupied by famers and laborers; which are proposed to be distributed, in each of the States, into three classes, with reference to their value; to be taxed uniformly in each class, at specific rates, to be prescribed by law.

3d. Slaves in general, or of such descriptions as shall be determined by law, to be taxed at one uniform rate.

The particular exposition which has been given of the laws of the respective States will, it is presumed, supersede the necessity of detailing, at length, a plan of assessment and collection. If it shall be determined to adopt the systems of the States in respect to objects of taxation, there can remain but little doubt of the expediency of adopting their modes of collection. In this case, nothing more can with safety be attempted than to reenact the State laws, with suitable provisions for the appointment of officers, for defining their powers and duties, and securing their responsibility to the United States. To this general observation the following exceptions, however, occur:

1st. It will be necessary either to apportion the quotas of counties in the States of New York and Pennsylvania by a conjectural estimate, or to provide for new valuations or assessments, by which to ascertain the said quotas.

2d. Instead of prescribing by law the specific rates at which different articles shall be taxed, as has been usual in the States southward of Pennsylvania and Delaware, it will, in respect to the said States, be necessary to vest a power for determining the proportional rates of each description of taxable articles, as soon as the quantities thereof shall have been ascertained by assessing officers. The necessity of vesting such a power arises from the impossibility of otherwise determining what rates of taxation would be necessary, in order to produce the sums which may be apportioned.

3d. If it shall not be seasonably ascertained that the State of Tennessee has established some general rule of taxation, it will be necessary that suitable provision be made for assessing and collecting the sum which may be apportioned to that State.

If, on the other hand, it shall be determined to establish a uniform mode of taxation for the United States, it is conceived that an eligible plan of assessment can be easily extracted from the acts of New Hampshire, Massachusetts, Pennsylvania, Delaware, Maryland, and Virginia, of which a summary has already been given.

The principal objects to be attained are:

1st. An impartial estimate of the relative value of the different tracts of land in each State.

2d. A correct register of the quantities of taxable lands in each collection district.

The result being an ascertainment of quantities and value, would afford all the data necessary to insure a faithful collection.

It is in respect to the value of lands only, that any real difficulties could arise; disputes with respect to the quantity being susceptible of certain adjustment.

No more eligible mode occurs, for obtaining a correct valuation and register of taxable lands, than by the appointment of commissioners for each State, with the power of appointing a suitable number of assessors, and of requiring a disclosure of the quantities of lands possessed by individuals.

As the Constitution has established a rule of apportionment, there appears to be no necessity that the principles of valuation should be uniform in all the States. It is certain that the records and documents which are known to be attainable, would exceedingly facilitate the adoption of principles for determining the relative value of lands in different districts of the same State. A provision for correcting errors in individual assessments, by some tribunal superior to the assessors, will be necessary.

The assessments on houses and on slaves may, in like manner, be under the direction of commissioners in the first instance; but, as these objects are of a temporary and variable nature, it will be proper that the accounts should be kept distinct from those of lands.

The assessments of the proposed tax will neces-

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sarily be attended, in the first instance, with considerable difficulty and expense; the experience of the States proves, however, that the measure is by no means impracticable. It is certain that a rule of taxation for lands, at once uniform, and at least as equitable as the systems of the several States, may be established. If the necessity of repeated assessments for every tax can be avoided, the expenses of collection, after the first year, may probably be reduced to one half of the sum estimated as the average defalcations incident to the State revenues.

The superintendence of the proposed tax, after the first valuations and assessments have been made, may be committed to the supervisors and inspectors of the existing internal revenues, under the direction of the Treasury. The collection districts may be of the same extent as those already established in the respective States.

It is proposed that competent salaries should be established for the supervisors and inspectors, with suitable allowances for the hire of clerks. The compensations of collectors may be a certain percentage on the sums which they receive, except that when moneys are collected by distress, it will be advisable to authorize the collection of fees and mileage from delinquents. An authority to demand a suitable fee for recording transfers and distributions of assessments on lands, appears to be a proper mode of compensating the persons entrusted with that service.

The power of appointing collectors, under suitable conditions for securing their accountability, may be committed to the supervisors; that of controlling the accounts of assessment, and regulating the distribution of taxes, in consequence of the alienation of property, may be entrusted to the inspectors of surveys and their deputies.

All which is respectfully submitted.

OLIVER WOLCOTT, JR.,
Secretary of the Treasury.

TREASURY DEPARTMENT, Dec. 13, 1796.

[The tables referred to are omitted.]

FRENCH AFFAIRS.

[Documents communicated to Congress, with the President's Message of Jan. 19, 1797.]

From Mr. Pickering, *Secretary of State, to Mr. Pinckney, Plenipotentiary of the United States, at Paris.*

DEPARTMENT OF STATE, Jan. 16, 1797.

SIR: In my letters of the 5th and 26th November, I sent you two notes from Mr. Adet, the Minister of the French Republic to the United States; the former dated the 27th of October, and the other the 15th of November last; and my answer to the first: the latter note embracing numerous topics of complaint, and going as far back as the year 1793, required a particular examination of all the transactions of our Government from that time to the present. The other indispensable duties of the office prevented my entering on this

examination as early as I had expected, and the current business has retarded the pursuit. The result of this examination I am now, by the direction of the President of the United States, to communicate to you. This history of our affairs you will find supported by documents, many of which were delivered to you at your departure, and the residue will be herewith transmitted. The remarks and reasonings on facts you will duly appreciate; and from the whole, joined with your own observations, you will be enabled, it is believed, to vindicate the United States, and to demonstrate their impartiality as a neutral nation, their fidelity in the observation of Treaties, and their friendship as an ally.

The discussion on which I am entering will involve much repetition; for the general questions and particular cases grouped together in the Minister's last note, have been subjects of controversy and correspondence from May, 1793, to this day. Some other points have indeed been contended for, which the Minister has now passed without notice. Why they are omitted I know not; for in these cases the United States were as positively charged with violating Treaties as in those which he has been pleased now to detail. Some of them it may be found proper to introduce, to render less imperfect the view of our relations to France.

The complaints of the French Minister against the United States have reference to three principal subjects.

1. To the abandonment of their neutral rights to the injury of France, in not maintaining the pretended principles of the modern Law of Nations, *that free ships make free goods*; and that timber and naval stores for the equipment and armament of vessels, are not contraband of war.

2. To violations of our Treaties with France, even in their letter.

3. To the Treaty of Amity and Commerce between the United States and Great Britain; which he alleges "deprives France of all the advantages stipulated in a previous Treaty." A fourth complaint is truly ingenious. The fortune of war has constrained some of the belligerent Powers, from enemies, to become her allies; and if the alleged abandonment of the rules of the modern Law of Nations, in its consequences, works an injury to those allies, from that moment France is also injured. Perhaps it will be in time to notice this last charge when those allies themselves complain; if the answer to the first, involving the same principle, should not render such notice altogether unnecessary.

I shall now present to your view those facts and observations which will prove, we conceive, that the Minister's complaints are without any just foundation.

Under the first charge, that we have not maintained, as we ought to have done, our neutral rights, it is alleged—

1. That the position, that free ships make free goods, is an established principle of the modern Law of Nations, and that Great Britain, by capturing French property on board our vessels, has

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violated our neutral rights; and that unless we compel Great Britain to respect those rights, France will be justified in violating them.

Not to remark on the singular reasoning, that if one warring Power commits an act of injustice towards a neutral and innocent nation, another warring Power may lawfully commit the like injustice, we may ask what authority is adduced, to show that the modern Law of Nations has established the principle, that free ships make free goods? *Vattel* says, positively, "That effects belonging to an enemy found on board a neutral ship, are seizable by the rights of war." * Agreeably to this long established rule of the Law of Nations, France herself, in her marine laws, has directed that "the merchandises and effects belonging to her enemies, which shall be found on board neutral vessels, shall be good prize." † By a former law, indeed, the neutral vessels themselves, as well as the effects of her enemies on board, were declared to be good prize. ‡ *Valin* remarks, however, that this regulation was peculiar to France and Spain; and that elsewhere the goods of the enemy were alone subjected to confiscation. And in the Treaty of France with the city of Hamburg, in 1769, it was stipulated, that "All effects, provisions, and merchandise whatsoever, belonging to her enemies and found on board the vessels of Hamburg, should be confiscated."

Mr. Adet remarks, that one of his predecessors, in July, 1793, applied on this subject to the Government of the United States; but was unsuccessful. He must refer to Mr. Genet's letter to Mr. Jefferson, dated July 9th, 1793, § [the subject was resumed in terms still more extraordinary in his letter of July 25, 1793,] to which Mr. JEFFERSON answered on the 24th, declaring "his belief that it cannot be doubted, but that by the general Law of Nations, the goods of a friend found in the vessel of an enemy, are free, and the goods of an enemy found in the vessel of a friend, are lawful prize." "It is true that sundry nations, desirous of avoiding the inconveniences of having their vessels stopped at sea, ransacked, carried into port and detained, under pretence of having enemy goods on board, have, in many instances, introduced, by their special Treaties, another principle between them, that enemy bottoms shall make enemy goods, and friendly bottoms friendly goods; but this is altogether the effect of particular Treaty, controlling in special cases, the general principle of the Law of Nations, and therefore taking effect between such nations only as have so agreed to control it." And it is plain, that it was to avoid the inconveniences resulting from this general rule of the Law of Nations that France and the United States stipulated, in the 23d article of their Commercial Treaty, "That free ships should give freedom to goods; and that everything should be deemed free which should be found on board the ships belonging to the subjects of either of

the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted." It is also plain, that this stipulation was intended to operate (indeed it was its sole object and otherwise could have no operation at all) when one of the parties should be at war with a nation or nations with whom the other should be at peace. France, therefore, has now no right to complain if the goods of her enemies find protection on board American ships, or to pretend, that in order "to restore the balance of neutrality to its equilibrium," she may seize on such goods: the just equilibrium between her and the United States will be restored when we are at war and she at peace; at which time the goods of our enemies will find protection on board the vessels of her citizens.

2. It is alleged that we have abandoned the modern public law on contraband, and by our Treaty with Great Britain, granted to that Power, exclusively, the free carriage of articles for the equipment and armament of vessels.

Here, as in the former case, the question recurs, what is the Law of Nations on the point in dispute? * *Vattel* defines contraband goods to be "commodities particularly used in war; such are arms, military, and naval stores, timber, horses, and even provisions in certain junctures, when there are hopes of reducing the enemy by famine." In the Treaty between France and Denmark, concluded on the 23d of August, 1742, "tar was declared contraband, together with rosin, sails, hemp, cordage, masts, and timber for ship building." † Thus, on this account, (says *Valin*) there would have been no cause for complaining of the conduct of the English, if they had not infringed particular Treaties; for of right these things are now contraband, and have been so since the beginning of this century, which however, was not the case formerly." ‡ The modern "public law on contraband," mentioned by Mr. Adet and his predecessors, probably refers to the principles declared by the armed neutrality during the American war. This transaction is too remarkable to be passed unnoticed.

During that war, Great Britain and the other belligerent Powers, exercising the rights assured to them by the Law of Nations, made prize of enemies' property on board neutral vessels, and of contraband goods belonging to neutrals. Eager as neutral nations must be to seize the opportunity which war presents, of becoming the carriers for the belligerent nations, whose ships and mariners are wanted for military operations, it was perfectly natural that the former should desire to establish as a rule, that free ships should make free goods; or, in other words, that neutral bottoms should protect the goods on board to whomsoever these belonged; and it was equally natural for them to desire to diminish the list of contraband. In respect to the latter it must have been particularly interesting to the three Northern maritime Powers, from whose dominions chiefly

* Book 3, sec. 115. † *Valin*, page 250, Reg. Oct. 21, 1744, art. 5. ‡ *Valin*, vol. 2, pages 252, 253. § State Papers, pages 50, 53, 55.

* Book 7, sec. 112.

† *Valin*, vol. 2, page 264.

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the other maritime nations of Europe received supplies of timber and naval stores, to strike these from the list of contraband, or by some means to exempt them from capture.

With these dispositions, the Empress of Russia, in February, 1780, made public the principles on which she would maintain the commerce of her subjects. It is necessary here to recite only two of them. 1. That all the effects belonging to subjects of the nations at war should be free on board neutral vessels; contraband goods excepted. 2. That the articles of contraband should be regulated by the 10th and 11th articles of her Treaty of Commerce with Great Britain, extending the regulations of those articles to all the belligerent Powers. To enforce the observance of these principles, she gave orders for equipping a considerable part of her marine.

In July of the same year, Denmark acceded to the principles of the armed neutrality, and entered into a convention with Russia for maintaining them, assuming for her rule in determining what articles should be deemed contraband, her Treaty of Commerce with Great Britain, concluded the 11th of July, 1670. In the third article of this Treaty, the description of contraband goods is in general terms: "Any provisions of war, as soldiers, arms, machines, cannon, ships, or other things of necessary use in war." But, by a convention concluded at London on the 4th of July, 1780, between Great Britain and Denmark, "to explain the Treaty of Commerce of 1670, between the two Powers," the articles deemed contraband are particularly enumerated, and among them we see "timber for ship-building, tar, rosin, copper in sheets, sails, hemp, and cordage, and generally whatever serves directly for the equipment of a vessel, unwrought iron and fir-planks excepted." It is remarkable that these are the very articles admitted as contraband in the 18th article of our Treaty of Commerce with Great Britain, and for which admission Mr. Adet declares, "all the commercial relations between France and the United States are entirely broken."

But it is further to be noticed, that this convention between Russia and Denmark, concluded in the midst of the American war, for maintaining the principles of the armed neutrality, and to which other European Powers acceded, is explicitly declared, in the 9th article, to have been concluded and agreed on for the time that war should last;* though it was to serve as a basis to future engagements which circumstances might render necessary, on account of new naval wars in Europe; and with the latter view, the King of Sweden manifested the utmost solicitude lest the war should be closed without the intervention of the neutral Powers. He, therefore, was urgent that the Empress, with all the parties to the Maritime Convention, "should propose to the belligerent Powers the establishing of a Congress, in which the different concerns, both of the Powers at war and of the neutral States, should be

examined and terminated."* And these concerns he afterwards mentions to be "the pacification, and the settling of a maritime code of laws," objects truly important, and meriting all the solicitude manifested on the occasion by the King.

But these steps of the King of Sweden serve as additional proofs that the principles of the armed neutrality were not considered by the parties to the Maritime Convention, as sanctioned by the existing Law of Nations. For permanently to establish those assumed principles, by introducing them into a maritime code, was obviously the influential motive with the King for desiring a Congress, at which such a code might be settled with the assent of all the nations of Europe. But this project did not succeed; no Congress was formed; the belligerent Powers made peace at different periods, and with that war ended the Maritime Convention. This no nation has more reason to regret than our own, as well because the principles in question respect some very valuable portions of our exports, as because our disposition and our policy preserving us in peace, such an extended liberty of commerce would prove highly advantageous to us as carriers for the Powers at war.

We have seen, then, that the Law of Nations, the marine laws of France, her own Treaties, as well as those of other nations, and even the system of the armed neutrality, incontestably establish these principles: That enemies' goods on board neutral vessels are rightful subjects of capture and condemnation; and that timber and other articles for the equipment and armament of ships, are contraband of war: and, therefore, that the admission of these principles in the Treaty between the United States and Great Britain, not being a grant to her of any right (for in what sense could we be said to give what she before possessed?) furnishes no just ground of offence to France. In what sense, too, can the United States be said to have "refused to other nations a right" which they and we voluntarily and mutually agreed to renounce? Or how are we chargeable with "partiality in favor of England," because we do not take arms to compel her also to renounce it?

But Mr. Adet, still resting on the idea that not to compel Great Britain to renounce, is to grant her a right, seems to imagine that we shall attempt to obviate his complaints by saying "That France, having the right by her Treaty of 1778, to enjoy all the advantages in commerce and navigation which the United States have granted to England, is not injured by the stipulations of the Treaty of 1794 (with Great Britain) relative to contraband of war, as they become common to her." But we shall say no such thing. The second article to which he refers has no relation to this subject. Had we granted any particular favor to Great Britain, or to any other nation in respect to commerce and navigation, we readily admit that, by this article, France would be immediately entitled to the same. But in regard to

* Hist. Armed Neutrality, p. 77. Marten's Treaties, vol. 2, p. 103.

* History Armed Neutrality, pages 147, 150.

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contraband of war, we have granted nothing, and therefore, under that article, France can claim nothing.

Under the influence of present and temporary interests, the very nature of the stipulations between France and the United States, on the subject of free commerce and the limitation of contraband, seems to be forgotten. They took for the basis of their Treaty "the most perfect equality and reciprocity:" would they then conspire to their own hurt? Would they voluntarily and mutually stipulate for injuries? or for advantages? Certainly the latter; and both considered the agreement reciprocally advantageous which secured to each, in its turn, the freedom of commerce provided by the rules, that free ships should make free goods; and that timber and naval stores should be excluded from the list of contraband.

Connected with this subject is what concerns the article of provisions. Mr. Adet says, that "after having assured to the English the carriage of naval stores, the Federal Government wished to assure them that of meals; in a word, it desired to have commerce only with England." Thus it stipulates by the 18th article, that the American vessels laden with grain may be seized under the frivolous pretext, that it is extremely difficult to define the cases wherein provisions, and other articles, which are generally excepted, could be classed in the list of contraband of war."

There are so many extraordinary assertions in Mr. Adet's notes, those in the above paragraph excite no surprise. The Federal Government is constituted of citizens who have a common interest with their fellow-citizens of the United States. That common interest has a peculiar relation to commerce, on the freedom and extension of which the public revenue and the general prosperity of our country chiefly depend. Will it then be believed that the Government wished this commerce to be restrained, particularly the commerce in meals, which compose the most valuable parts of our exports? Especially, will it be believed that the Government desired that our citizens might have commerce only with England? Let the general sense of our fellow-citizens answer these charges. Let the great mass of our commercial brethren answer; they whose enterprise traverses every sea and explores every region of the globe, to extend their gainful trade; citizens whose commercial adventures to France and her colonies have risen annually to many millions; adventures by which many have hazarded their credit and their fortunes. Yet among all our citizens, none have been more solicitous to form a Commercial Treaty with Britain; none more decided in approving that which has been made.

For the reasoning of our own Government on this subject, I beg leave to refer you to my letter of September 12, 1795, written by the President's direction to Mr. Monroe. Therein it was attempted to show the necessity and our right of forming that Treaty with Great Britain, and I hope it will appear to you that the conclusion is there fairly drawn, that even the 18th article, as

it respects provisions, would operate favorably to France.

Before the Treaty with Great Britain, her cruizers captured neutral vessels bound to France with provisions. She asserted, that in certain cases, provisions were contraband of war; consequently, that she might lawfully capture and confiscate such provisions. We opposed the principle and the practice. Britain insisted on her right. In this dilemma, it was agreed by the Treaty, that whenever provisions, becoming contraband by the Law of Nations, should be captured, they should be paid for with a reasonable mercantile profit. This stipulation, without admitting the principle, by securing the American merchants from loss in case of capture, would certainly tend to promote rather than to discourage adventures in provisions to France.

But as this Treaty has been the subject of serious complaint on the part of France, it is important to inquire with what foundation the complaint is made.

I might pass over the unworthy insinuations of the Minister, that the Treaty was entered into by us in order to insure advantages to the English, and to furnish our own Government with a reply to the claims of France, and peremptory motives for refusals to concede to them; that the true object of the negotiation was incessantly disguised under specious pretexts, and covered with the veil of dissimulation. These insinuations have been indiscreetly addressed to the people of the United States. They will gain no belief. It may, however, be useful for you to be truly informed on this subject.

The President's Message to the Senate on the 16th of April, 1794, does not declare (as Mr. Adet asserts) "that Mr. Jay was sent to London *only* to obtain a redress of wrongs." The President says, that Mr. Jay's mission would announce to the world "a solicitude for a friendly adjustment of our complaints," and that "going immediately from the United States, such an Envoy would carry with him a full knowledge of the existing temper and sensibility of our country; and thus be taught to vindicate our rights with firmness, and to cultivate peace with sincerity." And shall the pursuit of either of these objects be denied to us? What were our complaints? The most urgent regarded the spoliations on our commerce, and the inexecution of the article of the Treaty of Peace respecting the posts. With the latter was connected the Indian war, with which we had been harassed for so many years; and with the former, the injury or ruin of our merchants, and the consequent extensive damages to agriculture. These being the most prominent objects of the mission, were, of course, most observable and most talked of; and without them the mission, probably, would not at that time have been contemplated. But had we no other "complaints?" Did not the impressment of our seamen, like the spoliations on our commerce, excite a universal complaint? Had we never manifested our uneasiness at Great Britain's avoiding a commercial Treaty? Was it not even a subject of complaint

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and reproach? Was not the inducing her to enter into such a Treaty the object of divers measures agitated in Congress? Had not a commercial Treaty with Great Britain been earnestly sought for from the conclusion of the war to the time of Mr. Jay's mission? How, also, could Mr. Jay, after adjusting the primary objects of his mission, better prove the sincerity of our pacific disposition, and more effectually "cultivate peace," than by forming arrangements calculated to extend and protect our trade, to promote good neighborhood and a friendly and mutually beneficial intercourse; by prescribing a previous demand of justice and satisfaction to hasty reprisals, which naturally lead to war; and by agreeing on other regulations to prevent disputes, or to adjust them when they should arise? All these objects, then, and whatever else would be the means of "cultivating peace," were clearly comprehended in the President's Message.

But Mr. Adet says, "that Mr. Jay's negotiation was enveloped from its origin in the shadow of 'mystery.'" And to whom was our Government bound to unveil it? To France or to her Minister? Mr. Adet should answer, or not have complained. And was it for this, to make us a dependence on the French Empire that our alliance was formed? Did we stipulate to submit the exercise of our sovereignty (if it is not a contradiction in terms) to the direction of the Government of France? Let the Treaty itself furnish the answer: "The essential and direct end of the present defensive alliance is to maintain effectually the liberty, sovereignty, and independence, absolute and unlimited, of the said United States, as well in matters of government as of commerce." So, likewise, the Treaty of Amity and Commerce, in its preamble declares, that his most Christian Majesty and the United States, willing to fix the rules which ought to be followed relative to the correspondence and commerce which they desire to establish between their respective countries, have taken "for the basis of their agreement, the most perfect equality and reciprocity; and reserving withal to each party the liberty of admitting at its pleasure other nations to a participation of the same advantages." Corresponding with this declaration in our Treaty of Amity and Commerce with France, is the declaration of the Marquis de Noailles, her Ambassador at the Court of London, on the 13th of March, 1778, five weeks after the Treaty was signed. Some passages in this declaration are so pertinent to the subject in discussion, I shall quote them at length.

"The undersigned Ambassador of his most Christian Majesty, has received express orders to make the following declaration to the Court of London."

"The United States of North America who are in full possession of Independence as pronounced by them on the 4th of July, 1776, having proposed to the King to consolidate, by a formal Convention, the connexion begun to be establish-

ed between the two nations, the respective Plenipotentiaries have signed a Treaty of Friendship and Commerce, designed to serve as a foundation for their mutual good correspondence."

"His Majesty being determined to cultivate the good understanding subsisting between France and Great Britain by every means compatible with his dignity and the good of his subjects, thinks it necessary to make this proceeding known to the Court of London, and to declare, at the same time, that the contracting parties have paid great attention not to stipulate any exclusive advantages in favor of the French nation, and that the United States have reserved the liberty of treating with every nation whatever upon the same footing of equality and reciprocity." Why, after all this, do we hear from Mr. Adet the complaint, that the negotiations of the British Treaty were secretly conducted? In other words, that in exercising their absolute and unlimited rights of "Government and Commerce" the United States did not lay open to the French Minister or his Government the instructions to our Envoy for settling our own disputes and regulating our own commerce with Great Britain? So far as candor and friendship required, a communication was made to the French Minister. He was officially informed "that Mr. Jay was instructed not to weaken our engagements to France." This instruction was obeyed: Mr. Jay having taken care to insert in the 25th article of the Treaty this explicit stipulation, that "nothing in this Treaty contained shall be construed or operate contrary to former and existing public Treaties with other Sovereigns or States."

The Government gave a further proof of its candor and friendship, by communicating to the French Minister the Treaty itself, prior to its ratification, "in order to make such observations thereon as he might judge proper." These observations you will see in Mr. Adet's letter to the Secretary of State of June 30th, 1795; and the refutation of his objections in the Secretary's answer, dated the 6th of July following.

With these facts in view, facts of which the chief are drawn from our Treaties with France, and from her own acts and laws, what opinion is to be formed of Mr. Adet's declaration, "That the Executive Directory regards the Treaty of Commerce concluded with Great Britain as a violation of the Treaty made with France in 1778, and equivalent to a Treaty of Alliance with Great Britain?"

I will now advert to the charge, "that far from offering the French the succors which friendship might have given without compromising it, the American Government, in this respect, violated the letter of Treaties."

As far as I can discover, the latter part of this charge is rested wholly on the 17th article of the Commercial Treaty, which, therefore, it will be necessary to examine. The stipulations are mutual; but the examination will be simplified by considering their application to France alone. The 17th article then declares—

1. That the ships of war and privateers of

* Treaty of Alliance, art. 2.

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France may freely carry the ships and goods, taken from their enemies, into the ports of the United States, without being obliged to pay any fees to the officers of the admiralty or any other Judges.

2. That such prizes are not to be arrested or seized when they enter the ports of the United States.

3. That the officers of the United States shall not make any examination concerning the lawfulness of such prizes: but

4. That they may hoist sail at any time, and depart and carry their prizes to the places expressed in their commissions.

5. That, on the contrary, no shelter or refuge shall be given in the ports of the United States, to such as shall have made prize of the subjects, people or property of France; but if such shall come in, being forced by stress of weather or the danger of the sea; all proper means shall be vigorously used that they go out and retire thence as soon as possible.

It will also be convenient here to notice the stipulations contained in the 22d article. These are—

1. That foreign privateers not belonging to French subjects or citizens, having commissions from any other Prince or State in enmity with France, shall not fit their ships in the ports of the United States.

2. Nor sell their prizes, nor in any other manner exchange their ships, merchandises, or any other lading.

3. Nor purchase victuals, except such as shall be necessary for their going to the nearest port of the Prince or State from which they have commissions.

The cases that have occurred in the course of the present war, in relation to our Treaty with France, particularly the 17th and 22d articles just mentioned, have led to numerous discussions, in which several points have been deliberately settled, either by Legislative or Executive acts, or by judicial decisions.

The first important Executive act was the proclamation of neutrality by the President of the United States. This was issued on the 22d of April, 1793.

At the next meeting of Congress, on the 3d of December, 1793, the President laid this proclamation before both Houses. The Senate, in their address, in answer to the President's Speech, thus express their opinion of the proclamation:

"We deem it a measure well-timed and wise; manifesting a watchful solicitude for the welfare of the nation, and calculated to promote it."

The address of the House of Representatives was unanimously agreed to. We read in it this paragraph:

"The United States having taken no part in the war which had embraced, in Europe, the Powers with whom they have the most extensive relations, the maintenance of peace was justly to be regarded as one of the most important duties of the magistrate charged with the faithful execution of the laws. We accordingly witness, with

'approbation and pleasure, the vigilance with which you have guarded against an interruption of that blessing, by your proclamation, admonishing our citizens of the consequences of illicit or hostile acts towards the belligerent parties; and promoting, by a declaration of the existing legal state of things, an easier admission of our right to the immunities belonging to our situation."

Yet this is the instrument, thus approved by Congress, and whose only object was to caution our citizens to avoid certain acts which would violate the Laws of Nations, which Mr. Adet has ventured to call "An *insidious* proclamation of 'neutrality!'"

The next Executive act noticed by Mr. Adet, is the letter of the 4th of August, 1793, written by the President's command, by the Secretary of the Treasury, to the collectors of the customs, and accompanied by the rules which the President had adopted, for preventing all armaments in favour of any of the belligerent Powers. These rules were considered as just and necessary deductions from the laws of neutrality established and received among nations. The letter from the Secretary of the Treasury is explanatory of these rules, and, among other instructions, particularly points the collectors to the 17th and 22d articles of our Treaty with France; lest, by inattention or misconception of them, she might be injured and her enemies benefitted. The letter concludes, with enjoining the collectors to execute those instructions "with vigilance, care, activity, and impartiality, because omissions would tend to expose the Government to injurious imputations and suspicions, and proportionably to commit the 'good faith and peace of the country.'" How could such rules, with such reasons to enforce them, not escape censure? They were framed and required to be executed with strict impartiality; and, consequently, were to prevent Frenchmen continuing those aggressions on our sovereignty and neutrality, which had been commenced under Mr. Genet's orders, and which were calculated to involve us in a war with Britain, Spain, and Holland; for at that time these were all combined against France. Frenchmen were to have no other preferences than those secured to them by Treaty; (except that they were not forbidden to sell their lawful prizes in our ports,) and our own citizens were to be restrained from committing hostilities under the banners of France, as well as those of other Powers.

The third offensive act was the President's submitting to Congress these measures, and suggesting the expediency of extending our legal code, giving competent jurisdiction to the courts, and providing adequate penalties to prevent or punish violations of the Laws of Nations.

The next complaint respects the act of Congress passed on the 5th of June, 1794, "for the punishment of certain crimes against the United States;" being those to which their attention had been called by the President's Speech. Mr. Adet asks, "what was its result?" And gives, himself, the following answer: "In consequence

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of this law, the greater part of the French privateers have been arrested, as well as their prizes; not upon formal depositions, not upon established testimony, not upon a necessary body of proofs, but upon the simple information of the consul of one of the Powers at war with the French Republic; frequently upon that of sailors of the enemy-Powers: sometimes, according to the orders of the Governors, but often upon the demand of the district attorneys, who assert, upon principles avowed by the Government, that their conviction was sufficient to authorize them, without complaint or regular information, to cause the privateers to be prosecuted in virtue of the law above mentioned. And when the Ministers of the Republic have asked for justice of the Government, for the vexations experienced by the privateers, in contempt of the 17th article of the Treaty, they have never been able to obtain satisfaction."

Judging only by these declarations of Mr. Adet, a stranger would imagine there had been a combination of the General and State Governments, and of our courts, to harass and do injustice to Frenchmen engaged in privateering. But our citizens place a different estimate on this impeachment of their President, their Senators and Representatives in Congress, their judges and other public officers; and an examination of the cases cited by Mr. Adet to support his assertions, will manifest their incorrectness.

1ST CASE. *The French privateer Sans Pareil and her prize the Perseverance.*

On the 26th August, 1794, Mr. Fauchet complained, that the prize had been seized on the pretext that the Sans Pareil had been illegally armed in the United States. The answer of September 3d, from the Secretary of State, which Mr. Adet censures "as indicative of delay," assured him that the Secretary had urged the Governor of Rhode Island, where the prize was carried, to report the circumstances of the case without delay. On the 27th of September, the Secretary informed Mr. Fauchet that the Governor had decided that the prize should be restored. On the 17th of October, Mr. Fauchet renewed his complaint, for, on the suit of the claimant, the prize had again been arrested by process from the district court. The Secretary of State answered, on the 22d, with information that ought to have satisfied Mr. Fauchet. For admitting that, agreeably to the law of the 5th of June, 1794, the courts had authority and were bound in duty to take cognizance of captures made within the jurisdiction of the United States, or by privateers illegally fitted out in their ports, (the right of doing which Mr. Fauchet did not contest,) they could not refuse it in the case of the Sans Pareil; the guard against vexatious prosecutions being the judgment for costs and damages, to which an unjust prosecutor is exposed. The circular letter, written on this occasion to the Governors of States, manifests the solicitude of our Government to prevent vexatious suits.

2D CASE. *Glass and Gibbs.*

By the copy of the proceedings in the Supreme Court of the United States in this case, you will see that the court did not, as stated by Mr. Adet, determine "that the tribunals could decide whether a prize belonged to enemies or to neutrals." The question before the court was of the cognizance of a captured vessel and cargo, the former the property of a Swede, and the latter belonging partly to some Swedes and partly to a citizen of the United States. The opinion, therefore, pronounced by the Supreme Court, applied to the case in which one of the claimants was a citizen of the United States. And, after solemn argument, the court decided "that the district court of Maryland had jurisdiction, and should accordingly proceed to determine upon this case agreeably to law and right."

I will add only one more remark: That the 17th article, the letter of which we are charged with violating, in suffering our courts to take cognizance of French prizes, expressly refers to "the ships and goods taken from their enemies;" and it is the "examination concerning the lawfulness of 'such prizes' which the article forbids." But no examination of such prizes had been attempted by our Government or tribunals, unless on clear evidence, or reasonable presumption, that the captures were made in circumstances which amounted to a violation of our sovereignty and territorial rights.

3D CASE. *The French privateer L'Ami de la Point a Petre, Captain William Talbot, and her Dutch prize the Vrouw Christiana Magdalena.*

To the information contained in the papers collected in this case, I have to add that this cause was finally decided in the Supreme Court in August term, 1795. The court were unanimously of opinion that, in the particular circumstances of Talbot's case, notwithstanding his French commission, and his taking an oath of allegiance to the French Republic, he continued to be a citizen of the United States. But the cause, as I am informed, did not appear to have turned on this point. Talbot had associated with one Ballard, commanding an armed vessel called the *Ami de la Liberté*, which had been fitted out in the United States, and had no commission. Talbot and Ballard cruised together as consorts; and, in fact, it was Ballard's vessel that took the prize, Talbot not coming up till an hour after the capture. Ballard was afterwards tried, before the circuit court, for piracy.

The court were also of opinion, from the tenor of the evidence, that Talbot's vessel was owned by citizens of the United States, to whom the prize-money would eventually find its way in case of restitution to the captors.

Ballard and Talbot were both citizens of Virginia. The attempt of the latter to become a French citizen was considered to be fraudulent, being made for the sole purpose of obtaining a commission, under color of which he might plun-

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der the subjects of nations with whom the United States were at peace.

An observation ought not to be omitted here, that, although the captors, Talbot and others, had been defeated both in the district and circuit courts, yet they carried the cause up to the Supreme Court; thus using the legal right of appealing to the court in the last resort; a right which, alike exercised by the subjects of Powers who were enemies to France, has formed a principal subject of Mr. Fauchet's and Mr. Adet's continued complaints.

4th. Under the head of complaints for vexatious prosecutions, Mr. Adet mentions only two cases in which damages and interest were allowed to the French captors, viz: one of la nuestra Senora del Carmen, at Rhode Island, and the other of la Princessa des Asturias, at New York. "Yet (says he) the tribunals have always allowed damages to the captured, when they have declared the prizes illegal." How far the facts will warrant this last assertion I am not possessed of documents to determine. I presume it is to be understood in a general sense only, and to admit of exceptions. And in this sense there will be no difficulty in admitting the truth of the assertion, and accounting for it. The captures here referred to, were made either within our jurisdictional line, or by illegal privateers, being such as were equipped in whole or in part, in the ports of the United States. Of these material facts the captors could not be ignorant, consequently they could have no apology for defending their unjust claims in our courts; and of course were justly condemned in costs and damages.

In the case of the prizes of the privateer the Citizen of Marseilles, damages were claimed by the captors, but denied. For those prizes had been considered in the district court to be illegal. And although the sentence of that court was reversed in the circuit court, yet it was upon the introduction of new testimony on the part of the captors. This last decision was affirmed in the Supreme Court, yet without damages; inasmuch as the testimony was considered to be so ambiguous as to justify the appeal.

The same remarks apply to the prizes of the privateer General Lavaux; with this addition, that one of the judges dissented from the opinion of the court, being firmly of opinion that this privateer was covered American property.

The privateer la Parisienne had been registered as an American coasting vessel, under the name of the Hawk. During the embargo, in the Spring of 1794, she slipped out of Charleston and went to Port de Paix, where she was sold to one Blochos, a Frenchman, who armed her and provided her with a commission. Having afterwards arrived at Charleston, she was recognised and prosecuted for a breach of the revenue laws, in having gone to a foreign port whilst she was in the legal predicament of a coaster. The district court condemned her; but, on the application of Blochos to have her restored on paying the appraised value, the judge permitted him to take her, in a state of warlike equipment. Shortly

afterwards she put to sea and captured two valuable British prizes, the brigantines Cæsar and Favorite. On their arrival, the one at Charleston, the other at Savannah, suits were commenced to obtain their restitution, as having been captured by an illegal privateer. The decrees of the courts were in favor of the captors, but without damages. The Supreme Court disapproved of the restitution of the privateer without dismantling her; and considered the mistake committed in this respect a sufficient reason to cover the party prosecuting from the payment of damages.

All the other cases of captures by French privateers, which have been brought up to the Supreme Court, were decided at last August term. In some of them the circumstances would not have warranted an award of damages; in others, the counsel for the captors omitted to ask for them. When demanded, you know that it is in the discretion of the court to grant or refuse them; this discretion being regulated by all the circumstances of each case. Hence, when a party is drawn before the court without good cause and vexatiously, damages are always given, but are denied when there appears a reasonable cause of controversy.

5th. Mr. Adet having briefly noticed several cases by name, seems to reserve those of the Vengeance and the Cassius for a full display of unwarrantable conduct in the Government and Courts of the United States, and therefore descants on them at some length; but with so many aberrations from the facts, with so many erroneous ideas concerning our jurisprudence, and so many injurious insinuations respecting our courts and their officers, it will be necessary that you should learn the true history of these cases from authentic documents.

Case of the French privateer la Vengeance.

For the full history of this privateer and her prize, I must refer you to the documents in the case. The principal facts are these: About the latter end of June, or the beginning of July, 1795, the privateer la Vengeance arrived at New York with a valuable prize, called Princessa de las Asturias. Don Diego Pintado, the owner, commenced a suit for his vessel, on the ground that she had been taken by an illegal privateer. The suit was instituted by Mr. Troup, not wantonly, but upon information, which was afterwards verified by the oaths of several witnesses. In the progress of the cause, these witnesses were contradicted by the witnesses produced on behalf of the captors, for whom a decree was finally given: the clashing evidence preponderating, in the Judge's opinion, in the favor of the captors; but he expressly declared that there was probable cause for the seizure.

After this suit for the prize had been commenced, the Spanish Consul complained to Mr. Harrison, the District Attorney, in his official capacity, of a violation of law, on the part of the privateer la Vengeance, in consequence of which a Spanish subject had been injured. Mr. Harrison, upon an inquiry, found at least a probability

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that the complaint respecting the privateer was true. This probability arose from what he considered as affording the certainty of material proof; and, therefore, in conformity with his official duty, commenced a prosecution on the act of Congress forbidding the arming of privateers in our ports. The decision of this, and of the prize cause, depended on the same evidence. The decision being in favor of the captors, Mr. Harrison acquiesced in it, as it respected the privateer; and he united with his associate counsel in the prize cause in advising the like submission in that case. But the Spanish Consul deemed it his duty to pursue the claim to the Court in the last resort. This can warrant no complaint; for Mr. Harrison remarks, that perhaps there never were causes in which more contradictory and irreconcilable evidence was offered, and in which the minds of the auditors were more divided as to the real state of facts.

The second public suit against the privateer, was for exporting arms and ammunition from the United States, when such exportation was prohibited by law. The evidence which appeared in the other causes gave rise to this prosecution, and upon the trial the Judge condemned the privateer. An appeal from this sentence was interposed by the French Consul. The appeal was heard in the Circuit Court, and upon new evidence the sentence of the District Court was reversed.

Mr. Adet complains, that while one suit was pending for the prize, and another against the privateer, the District Attorney should exhibit a second information against the privateer, on which she was arrested anew, for having exported arms in violation of a law of the United States, which was in force when the *Vengeance* sailed from New York; and that this information was filed on the simple declaration of Mr. Giles, the Marshal of the Court, who, as informer, was to share part of the confiscation. As Mr. Harrison remarks, it was in favor of the privateer that this second information was filed, while the first was pending; because it saved time. Had he postponed the latter until the first had been decided, there might have been some foundation for a charge of unnecessary delay. Mr. Harrison's statement of the case shows that this second information was not made on the declaration of the Marshal, but on the evidence that appeared on the examination of the first.

Mr. Adet having been pleased to censure the conduct of the attorney, clerk, and Marshal of the District Court of New York, in justice to them, I have added to the other documents in this case the letters of Mr. Harrison and Mr. Troup. They will answer the double purpose of justifying them, and of vindicating our Government and tribunals.

Mr. Adet particularly notices the papers he had received from St. Domingo, "proving," as he says, "in the most convincing manner, that the *Vengeur* (la *Vengeance*) had arrived at Port de Paix without any armament or equipment whatever; and that she had been sold, armed, and

'equipped wholly, and commissioned as a privateer, on the territory of the Republic. These documents were certificates of the general, the ordonnateur, and of the greater part of the principal officers of St. Domingo, &c. He hastened to communicate them to the Secretary of State, and to request him to order the attorney of New York district to stay the proceedings instituted in the name of the Government: there was nothing done with them, and Mr. Harrison continued his prosecution." It will appear by my letter of October 1, 1795, to Mr. Harrison, that these papers were sent to him, and by his answer of October 3d, that he received them. That the bill of sale (one of the papers) was produced to the Court, in behalf of the claimant of the privateer; but that the certificate of General Leveaux could not be considered as evidence in the cause; and if it had been admissible, "the claimant would be very cautious of producing it, on account of its differing from the witnesses."

6. Case of the French privateer *le Cassius*.

For the full history of this case I must also refer you to the documents; and here only present you with a concise statement.

The *Cassius*, under the name of *les Jumeaux*, was fitted and armed for a vessel of war in the port of Philadelphia, in violation of a law of the United States. In December, 1794, having escaped from the port to descend the river, orders were given to the militia of the State of Delaware to intercept her. The attempt was made and failed—the crew of *les Jumeaux*, which was unexpectedly found to be very numerous, resisted the officers who went on board, manned their cannon, and brought them to bear on the cutter in which the militia (about forty in number) were embarked. Their force being inadequate to the enterprise, they retired, with the intention to return the next day with a reinforcement. They did so; but *les Jumeaux* had sailed, and gone to sea. The agent (Mr. Guenet) by whom *les Jumeaux* had been fitted out, was tried in the Circuit Court at Philadelphia, convicted of the offence, and received sentence of fine and imprisonment.

Les Jumeaux proceeded to St. Domingo. Samuel B. Davis, a citizen of the United States there took the command of her, with a commission from the French Government. Davis probably sailed from Philadelphia in *les Jumeaux*, for the purpose of finally taking the command of her. Her name was now changed to *le Cassius*; and on a cruise she took a schooner called the *William Linsay*, belonging to Messrs. Yard and Ketland, of Philadelphia; Mr. Ketland having purchased an interest in her after her sailing. The schooner and her cargo were condemned as prize at St. Domingo. In August, 1795, Captain Davis, commanding *le Cassius*, came with her to Philadelphia. She was immediately known. Mr. Yard, with a view of obtaining an indemnification for the loss of the schooner and her cargo, libelled *le Cassius* in the District Court, and caused the captain to be arrested. Soon after, the

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Supreme Court being in session, Captain Davis's counsel applied for and obtained a prohibition to the District Court to stop its proceeding; by which the suits both against him and le Cassius were defeated. The prohibition was granted on this principle: that the trial of prizes, taken without the jurisdiction of the United States, and carried into places within the jurisdiction of France, for adjudication, by French vessels, and all questions incidental to it, belong exclusively to the French tribunals; and consequently that its vessels of war and their officers are not liable to the process of our courts, predicated upon such capture and subsequent proceeding within the jurisdiction of the French Government.

Messrs. Yard and Ketland having failed to obtain indemnification in this mode, procured new process on the information of Mr. Ketland, to be issued from the Circuit Court, by which le Cassius was attached as a vessel armed and equipped as a ship of war in the port of Philadelphia, with intent to cruise and commit hostilities against nations with whom the United States were at peace, in violation of the act of Congress prohibiting such armaments. Mr. Adet complained that the process was taken out of the Circuit Court; because, as he alleged, it had no jurisdiction, and that it would be attended with delay, that court sitting but twice a year: whereas the District Court, in which it was said the prosecution (if at all permitted) should have been commenced, was always open. I consulted gentlemen of legal knowledge, on the point of jurisdiction in this case, and they were decided in their opinion, that the Circuit Court had jurisdiction, and exclusively of the District Court. You will see also in Mr. Rawle's statement of this case, that this opinion was adopted and supported by two gentlemen of eminence at the bar: you will further see in that statement that the Government of the United States had no part in originating this prosecution; and that the District Attorney, in behalf of the United States, took measures at each term of the Circuit Court, to prepare the cause for trial, and on a plea calculated to defeat the prosecution. At length, in October term, 1796, the cause was brought to a hearing. In the course of the argument the question of jurisdiction presented itself. The Court adjourned until next day, to consider of it, and on the following morning dismissed the suit. As soon as I had received notice of this event, (on the 19th of October last,) I wrote to Mr. Adet, informing him that le Cassius remained in the custody of the Marshal, but ready to be delivered to his order. To this no answer was returned; but he mentions the matter, in the notes subjoined to his note of the 15th November, intimating that the United States were answerable in this case for a violation of Treaties, and for the damages the Cassius has sustained. Here the affair rests.

In his letter of the 3d of June, 1796, which you will find among the papers, respecting the Cassius, Mr. Adet mentioned the affair of the Favorite, at New York, and intimated an idea that the Executive might in like manner cause the

prosecution against le Cassius to cease. But the proceedings in the case of the Favorite were wholly in the hands of the Executive officers, who were under the President's immediate control, and to whom, on evidence satisfactory to the Executive, orders were given to discontinue the process. In this affair of the Favorite, we are fortunate in finding one case in which Mr. Adet (contrary to his assertion in his note of November 15) acknowledges that justice was done by our Government. You will observe in Mr. Fauchet's letter of the 23d of September, 1794, a very formidable complaint in this affair of the Favorite; that it was pretended that a privateer fitted for a cruise had deposited arms on board her, and that this pretext was used for visiting and pillaging her; that she was a ship of war of the Republic, then serving as a store-ship until she could be repaired; that the sovereignty of France was violated, and her flag insulted. Yet, by the letter of John Lamb, Esq., collector of the port of New York, of the 22d of November, 1794, you will see that at the time the seizure was made of the suspected articles on board the Favorite, "she having been totally dismantled, her crew sent on board other ships of war, and her sails, rigging, and other materials sold at public auction, she was considered as a hulk; otherwise the event would not have taken place." The collector further declares that the charge of pulling down the national flag and hoisting another in its place was groundless.

These are all the cases expressly mentioned by Mr. Adet, in which French privateers and their prizes have been brought under the cognizance of our courts of justice, and all, therefore, to which an answer can be directed. Had he cited the other cases, which he says would fill a volume, we have no doubt there would be found in them, as in those which have been mentioned, abundant reason to justify the Government and the tribunals.

Mr. Adet's complaints are not confined to imputations of injustice experienced by French privateers and their prizes from our courts.

First. "He protests against the violation of the 17th article of the Treaty, in contempt of which the American tribunals have taken cognizance of the validity of prizes made by French ships of war or privateers, under pretext of original armament or augmentation of armament in the United States; or of capture within their line of jurisdiction." But his predecessor, Mr. Fauchet,* after saying that our admiralty courts interfered in prize cases on the ground of "seizure within the jurisdictional line of the United States, or of armament or augmentation of armament of the capturing vessels in their ports," immediately adds, "on this subject, sir, you request me to specify to you a circumstance in which a prize was arrested, which did not come under that denomination, and you take the trouble to establish that they have a right to intervene in every case that can be brought under those

*Letter June 8th, 1795.

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'heads. In the first place, sir, I never have, at least to my recollection, contested the right of your courts, or of the Government, to interfere in matters of the nature of those you mention; but I complain of the facility with which prizes have been thrown into those two classes, which do not belong to them." He then says that he could cite a great number of affairs to which he alludes; but contents himself with mentioning only two. The first is the case of Talbot, of which I have already given some details, and which, with the documents referred to, will show this to have been an unfortunate instance to support his complaint. The other is that of the prizes of the Citizen of Marseilles, also, already mentioned, and which will not justify a complaint; for although the final decision was in favor of the privateer, yet the sentence of the district court was not reversed in the circuit court but upon the introduction of new testimony; and the Supreme Court allowed no damages, because the testimony was so ambiguous as to justify the appeal.

But, quitting the contradictory declarations of the French Ministers, and referring you to the letter dated August 16, 1793, from the Secretary of State to our Minister at Paris, (which has been published,*) for the reasoning of our Government on this subject, and the demonstration of their right and duty as a neutral Power, to prohibit any of the belligerent Powers arming their vessels in our ports, consequently to restore to their proper owners prizes taken and brought in by vessels so unlawfully armed, or when taken within our line of jurisdiction, I will only add here, that the principle of the rules on this subject, first adopted by the President, on the most mature deliberation, received afterwards the sanction of Congress, by their act of June 5, 1794, and of the Judges in all their judicial proceedings in the prize-causes in question. If, then, the 17th article of the French Treaty has been violated, the Executive, the Legislature, and the Judges of the Federal Courts, have all deliberately concurred in the violation. This no American citizen will be inclined to believe; and we might suppose that the consideration of such concurrence in one opinion would anywhere produce a pause, and some diffidence in pronouncing it erroneous. Neither the rules adopted by the President, nor the act of Congress, have made a new law respecting such prizes: they have only directed the modes of proceeding to fulfil our neutral duties, agreeably to the universal Law of Nations. The Judges have applied this law, but not without due attention to the obligations of our Treaties, which they regard as supreme laws of the land.

2. Mr. Adet "protests against the violation of the 17th article of the Treaty, in contempt of which, English vessels which had made prize on Frenchmen have been admitted into the ports of the United States." The construction of this part of the 17th article, for which Mr. Adet, after his predecessor, (Mr. Fauchet,) contends, is this: That, if a national ship of war of the enemies of France has at any time, and in any part of the globe,

made prize of a French vessel, such ship of war is to be allowed no shelter or refuge in our ports, unless she is driven in through stress of weather; and then she is to be made to depart as soon as possible. On the contrary, the construction adopted by the Executive of the United States, and expressed in the rules beforementioned, which had been transmitted to the collectors in August, 1793, was this: That privateers only of the enemies of France were absolutely excluded from our ports, except as before, when compelled to enter through stress of weather, pursuant to the 22d article of the Treaty; while the national ships of war of any other nation were entitled to an asylum in our ports, excepting those which should have made prize of the people or property of France, coming in with their prizes.

On the 9th of September, 1793, the Secretary of State thus expressed to the British Minister the determination of the Executive: "The public ships of war of both nations (French and English) enjoy a perfect equality in our ports. 1. In cases of urgent necessity; 2. In cases of comfort and convenience; and, 3. In the time they choose to continue. And though the admission of prizes and privateers of France is exclusive, yet it is the effect of Treaty," &c.*

In support of our construction of the Treaty, it has been observed, that "the first part of the 17th article relates to French ships of war and privateers entering our ports with their prizes; the second contrasts the situation of the enemies of France, by forbidding such as shall have made prize of the French—intimating, from this connexion of the two clauses, that those forbidden are those which bring their prizes with them." To these observations I will add, that, if the literal construction contended for by the French Ministers were admitted, then, although the public ships of war which had made prize of French people or property would be excluded from our ports, yet the prizes of such public ships might be received, and they might be sold too; for the prohibition in the 22d article of the Treaty applies only to privateers and their prizes, while the Government of the United States judged that the 17th article was intended to exclude the prizes made on the French by public ships of war, as well as those made by privateers, and gave directions accordingly to have them excluded. Further; if it had been intended to exclude from our ports the public ships of war of the enemies of France, coming without any prize, then they would doubtless have been comprehended in one provision with the privateers in the 22d article; for privateers are thereby excluded, whether they come with or without prizes. But public ships of war are not comprehended, or at all referred to in the 22d article; whence the conclusion is fair, that it was not intended to forbid them coming alone; and, consequently, that the exclusion provided in the 17th article applies to them only when they would come into our ports with their prizes—this last clause of the same arti-

* State Papers, page 57.

* State Papers, page 77.

† Secretary of State to Mr. Fauchet, September 7, 1794.

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cle being in its form opposed to the first clause, which admits the entrance of French ships with their prizes. Besides, if a public ship of war of the enemies of France comes into our ports without any prize, how is it to be known whether she has or has not made prize of the people or property of the French? Who is to erect a tribunal to investigate and pronounce on the fact? But if she comes with a prize, the case presents no difficulty; she brings with her the evidence which goes to the exclusion of her and her prize.

I must now advert to some others of Mr. Adet's charges against the Government of the United States.

1. "It [the Government of the United States] put in question whether it should execute the Treaties or receive the agents of the rebel and proscribed Princes." And is there anything in this unjustifiable or extraordinary? Was it easy for a nation distant as ours to obtain promptly such accurate information as would enable it duly to estimate the varying condition of France? In 1791, the Constitution formed by the Constituent Assembly was accepted by Louis XVI. It was notified to the United States in March, 1792. Congress desired the President to communicate to the King of the French their congratulations on the occasion. In August, 1792, the King was suspended; in September, royalty was abolished; and in January, 1793, Louis XVI. tried and condemned by the Convention, suffered death. Was it easy to keep pace with the rapid succession of such revolutionary events? and was it unlawful, under such circumstances, even to deliberate? I do not find that information of the death of the King was received from our Minister at Paris until May 1, 1793. The news, however, had previously arrived in such a manner as to attract the attention of Government; for, in April, the President had determined to receive a Minister from the French Republic. And it is remarkable that this was before he knew that a Minister had arrived in the United States. This promptitude in deciding a leading question does not bear any strong marks of hesitation. And was there no merit in this ready determination to acknowledge the French Republic? Had it been before acknowledged by any Power on the globe? How long did France hesitate to acknowledge the Republic of the United States? A year and a half. And under what circumstances was the acknowledgment finally made? After the capture of a whole British army appeared to have established our independence. But of this, more hereafter. In matters of importance, (and what could be more important than the decision of a neutral and allied nation on questions perhaps involving war or peace,) is it the part of wisdom to reject all deliberation, even on points which do not obviously present difficulties? Will not prudence dictate to him who is to decide great national questions—rather to deliberate long than risk the consequences of hasty decisions?

2. "It made an insidious proclamation of neutrality."

I have already remarked that this proclamation received the pointed approbation of Congress, and,

I might truly add, of the great body of the citizens of the United States. And what was the general object of this proclamation? To preserve us in a state of peace. And have not the Ministers of France declared that their Government did not desire us to enter into the war? And how was peace to be preserved? By an impartial neutrality. And was it not then the duty of the Chief Executive to proclaim this to our citizens, and to inform them what acts would be deemed departures from their neutral duties? This was done by the proclamation. It declared it to be the duty, interest, and disposition of the United States, to adopt and pursue a conduct friendly and impartial towards the belligerent Powers; it warned the citizens to avoid all acts which might contravene that disposition: it declared that whosoever of the citizens who should render himself liable to punishment or forfeiture under the Law of Nations, by committing or abetting hostilities against any of those Powers, or by carrying to any of them articles deemed contraband of war, would not receive the protection of the United States against such punishment and forfeiture; and that the President had given instructions to the proper officers to prosecute all persons who should violate the Law of Nations with respect to the Powers at war, or any of them. To what, in all this, can the epithet *insidious* be applied? On the contrary, is not the whole transaction stamped with candor and good faith?

3. "By its chicaneries it abandoned French privateers to its courts of justice." Abandoned them to its courts of justice! Sir, you know many of the Judges personally, and all of them by reputation, and that their characters need no vindication from such an insinuation. They are Judges with whose administration of justice our own citizens are satisfied; and we believe they may challenge the world to furnish a proof that they have not administered justice with equal impartiality to foreigners. I will only add here one remark, that the correspondences with the French Ministers formerly published, joined to those now furnished you, with the other documents accompanying them, will show how loudly they can complain of the proceedings in our courts, and, at the same time, with how little justice.

4. "It eluded the amicable mediation of the Republic for breaking the chains of its citizens at Algiers." We did not entertain any doubt of the friendly disposition of the French Republic to aid us in this business; but what was really done we have never known. You will find herewith Mr. Fauchet's letter of June 4, 1794, and the answer of the Secretary of State on the 6th, to which Mr. Adet refers. The information on the subject which Mr. Fauchet expected "in a little time from Europe," probably never arrived—at least, it was never communicated to our Government. There is surely in the Secretary's answer no evidence that our Government were unwilling to accept the mediation of the Republic. On the contrary, we have relied upon it to aid our negotiations with the Barbary Powers. Accordingly, when Colonel Humphreys went from hence in 1797, clothed

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with powers for negotiating peace with those States, he was particularly instructed to solicit the mediation of the French Republic; and for that purpose only he went from Lisbon to Paris, where, through our Minister, the Committee of Public Safety manifested their disposition to contribute to the success of his mission. But Colonel Humphreys was at the same time authorized to depute Joseph Donaldson, Esq. (who had been appointed Consul of the United States for Tunis and Tripoli, and who went with Colonel Humphreys from America) to negotiate immediately a Treaty with Algiers: for, in a country where a negotiation depended on so many contingencies, it was of the last importance to be ready to seize the favorable moment to effect a peace whenever it should offer. Such a moment presented on Mr. Donaldson's arrival at Algiers. He had not been there forty-eight hours before the Treaty was concluded. It is also a fact that it was effected without the aid of the French Consul at that place. However, with respect to Mr. Donaldson's negotiation, we are well informed, that "his not conferring with the Consul of France was not his fault; and if he had done it, that it would have injured his cause—neither the Republic nor her Consul enjoying any credit with the Dey." But we are at the same time informed that the cause of this was transitory, and ought not to hinder us from endeavoring to engage her interest for other places, and in that place for future occasions. Agreeably to this idea, the agent of the United States applied to the French Consul (Herculais) at Algiers, the last Spring, to recommend a suitable person to negotiate a Treaty with Tunis. The person recommended was employed, and, we had been informed, had in part succeeded, and was expected to complete a Treaty of Peace. This information was communicated to our Minister at Paris, in a letter dated the 30th August last, from the French Minister for Foreign Affairs, accompanied by an extract of a letter from the Consul, Herculais.

In all these transactions, far from discovering a trace of evidence to support Mr. Adet's charge, the reverse is manifestly proved.

5. "Notwithstanding Treaty stipulations, it allowed to be arrested vessels of the State."

While we admit the fact that French vessels have been arrested, we deny that the arrests have infringed any Treaty stipulations. The details in this letter, and the documents referred to, appear to us entirely to exculpate the Government. And if neither the Executive nor our tribunals could in any case take cognizance of captures which the French privateers called prizes, then they might take our own vessels in our rivers and harbors, and our citizens be without redress. But* "It is an essential attribute of the jurisdiction of every country to preserve peace, to punish acts in breach of it, and to restore property taken by force within its limits. Were the armed vessel of any nation to cut away one of our own from the wharves of Philadelphia, and to choose to call it a prize, would this exclude us from the

right of redressing the wrong? Were it the vessel of another nation, are we not equally bound to protect it while within our limits? Were it seized in any other waters, or on the shores of the United States, the right of redressing is still the same; and humble indeed would be our condition were we obliged to depend for that on the will of a foreign Consul, or on negotiation with diplomatic agents."

The same reasoning will apply to captures made by illegal privateers; that is, by such as were armed and equipped in the ports of the United States; for it being by the Law of Nations the right of our Government, and as a neutral power its duty, to prevent such armaments, it must also be its right and duty, by all means in its power, to restrain the acts of such armaments done in violation of its rights and in defiance of its authority. And such were the armaments made by the French people in the ports of the United States. And the most effectual means of defeating their unlawful practices was the seizing of their prizes when brought within our jurisdiction. It is very possible, indeed, that in some cases the irritated subjects or public agents of nations whose property was taken by French privateers, might commence vexatious prosecutions: but this is no more than happens frequently among our own citizens, and in every nation in the world; and the only restraints on the vindictive passions of men, in such cases, which the policy of free Governments has imposed, are the damages which the courts compel the malicious prosecutor to pay to the injured party. If, as Mr. Adet asserts, damages have in two cases only been granted by the courts to French privateers, even when the decisions have been in their favor, it has arisen from their own conduct, or the omission of their counsel, or from accidental circumstances, which, in the opinion of the courts, furnished reasonable presumptions against them of having violated the laws, either by illegally arming in our ports or making the captures within our jurisdiction. If, on the other hand, they have, in the event of contrary decisions, been always condemned to pay damages, we may venture to say it was because they were always in the wrong. For no one will find sufficient ground to impeach the discernment or integrity of our courts.

6. "It suffered England, by insulting its neutrality, to interrupt its commerce with France." X

That our commerce has been interrupted by the armed vessels of England, and sometimes with circumstances of insult, we certainly shall not attempt to deny: the universal resentment and indignation excited by those injuries were admissions of the fact; but that the Government has *connived* at the practice, (for by that Mr. Adet must have intended to insinuate the word *suffered*,) all its acts most forcibly contradict. It was because of those aggressions that preparations for war were commenced, and to demand satisfaction for them was the leading object of Mr. Jay's mission to London. Satisfaction was demanded, and the arrangements agreed on for rendering it are now in execution at London. But if by *suffered*, Mr.

* Letter from the Secretary of State to Mr. Morris, August 16, 1793, State Papers, page 62.

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Adet means that we did not arm—that is, make war on England—to obtain the indemnification, when humanity, reason, and the Law of Nations, prescribed the mode of previous peaceable demand, to these very principles we may appeal for our justification; and if it is necessary to go further, we say, that as an independent nation, we must be left to determine in what manner we can most beneficially obviate an evil, and when it is most proper for us to repel an injury. To deny us this right of judgment is to deny our independence. We have not been insensible either to our honor or our interest. If we have manifested much long-suffering, we have not been singular. Neutral nations very commonly endure many temporary evils, because these appear light, when compared with the calamities of war; and they look forward, as we have done, to a period when returning justice may redress their wrongs. This period, we trust, will arrive in regard to those we are now suffering from the French Republic. If a nation, not bound to us by Treaty, and between whom and ourselves actual circumstances and many recollections tended to excite peculiar passions, engaged to render us justice, shall we expect less of an avowed friend?

We may here properly inquire, what could have been the understanding of the parties on this point, when the Treaty of 1778 was made between France and the United States? She knew, that notwithstanding the extent of our country, and its rapid increase in population, many years must elapse before we could form a powerful Navy to protect our commerce. She knew the conduct of maritime Powers in all their wars; particularly, she was acquainted with the maxims and measures of England towards the commerce of neutral nations, in all her wars with France. And if, knowing these things, France then expected that in all subsequent wars we should compel the maritime Powers in general, and Great Britain in particular, to admit our commerce to perfect freedom, then, instead of a Treaty of Commerce containing regulations for conducting it, when France should be at war, she would have demanded from us a stipulation, that in every future war in which she should be engaged with any other maritime Power, we also should engage in it as her associate. But this is a condition which France was too just to demand, and to which the United States never would have agreed.

7. "Notwithstanding the faith of Treaties, it gave an asylum to these same English, who, after having insulted her flag and pillaged her citizens, came also to brave the American people in their ports, and to take a station whence to cruise, on a favorable opportunity, against the French."

This, like most others of Mr. Adet's charges, is but the renewal of the complaints of his predecessor, Mr. Fauchet; and the vindication of the Government will appear in the answers and communications from the Secretary of State to that Minister, in the years 1794 and 1795. The cases particularly noticed were those of the British frigate *Terpsichore* and her prize *la Montague*; and of the British ship *Argonaut* and her prize *l'Esper-*

ance. The *Thetis* and *Hussar*, British frigates, with their French prizes *la Prevoyance* and *la Raison*, are also mentioned, but without any facts or circumstances as subjects of inquiry, which of course is precluded. That of the *Terpsichore* and her prize appears to have been the first case of the kind in which the Executive of the United States, and those of the particular States, were called to interfere; and therefore it will not be thought extraordinary, if the Executive of Virginia was unprepared with arrangements to give instant effect to the stipulation of the 17th article of the Treaty of 1778, forbidding an asylum to the armed vessels of the enemies of France and their prizes. What delay took place seems to have been the result of accident—certainly not of design. And by letters from this Department, the Executives were earnestly pressed to take the necessary order for prompt execution, in future, of this part of the Treaty. But why should the French Ministers complain, with such energy, that a British ship of war, with her prize, remained in one of our ports during perhaps twenty or five-and-twenty days; when, against the earnest requests and orders of the Executive, the French privateers, armed in our ports in violation of the laws, long continued to keep on our coast, and enter our harbors—thence, on favorable opportunities, to cruise against their enemies? The *Columbia*, or *Carmagnole*, continued such her unlawful acts for more than a year.

After all the zealous remonstrances of Mr. Fauchet, now renewed by Mr. Adet, about the capture of the French corvette *l'Esperance* by the British ship *Argonaut*, who went with her prize into Lynnhaven bay, what were the facts? The Governor of Virginia went personally to the French Consul at Norfolk, for information concerning this declared violation of the Treaty, but "received none which appeared to justify the uneasiness occasioned by that event—he charging no circumstance as improper in the captors, but rather seemed to consider the introduction of the prisoners made on that occasion, so soon, into a place where the exchange would be effected, as an alleviation of the misfortune of losing the vessel." The captain of the French corvette himself was desired to give evidence in the case. He promised, but failed to appear. He was called upon a second time to give information, but discovered an unwillingness to do it—observing that he had given to the Consul a circumstantial account of the transaction on his arrival. The Governor having heard that a respectable pilot, by the name of Butler, was acquainted with the circumstances of this affair, he directed his deposition to be taken. It was taken, and imported that Admiral Murray himself purchased the prize *l'Esperance*, and manned and fitted her in Lynnhaven bay for a cruise. But Butler's deposition was afterwards taken on the part of the British, in which he contradicted all the material facts recited in the former deposition; for which he accounted, by saying, that he could neither write nor read, and that there had been inserted in his first deposition what he had never said. Under these circumstances, it was desirable

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to obtain further information. This was furnished by the British Minister, in the extract of a letter from Admiral Murray, which bears every mark of candor and humanity, and of respect for the United States. It is as follows: "The French sloop of war *l'Esperance* was brought into Lynnhaven bay on the 11th of January (a few days after my arrival there) by Captain Ball, who had captured her fifteen leagues from the shore. The weather being very tempestuous, a lieutenant, with a sufficient number of men only to navigate her, (not being half the complement the French had in her,) were sent on board from the *Resolution* and *Argonaut*; and so soon as the weather permitted those ships to supply her with water and provisions, I sent her to sea, that I might give no umbrage to the American States. An additional reason for bringing *l'Esperance* into Lynnhaven bay, was out of humanity to the French prisoners, whom, having had a long voyage, I sent to Norfolk as soon as prudence would permit: otherwise, they must have been kept prisoners on board the whole Winter, and sent to Halifax in the Spring. Nor was she equipped or armed then, in any manner whatever; nor did the lieutenant receive any commission for her whilst in Lynnhaven bay; and when at sea, only an acting order to command her, which is customary, and absolutely necessary in all captures: otherwise, if retaken by the enemy, he might be considered as a pirate."

8th. "It might be said that it applauded their (the English) audacity; all submission to their will, it allowed the French colonies to be declared in a state of blockade, and its citizens interdicted the right of trading to them."

If, among the multitude of such complaints as Mr. Adet has exhibited, any one could excite surprise, this charge is calculated to produce it. Here a formal charge is made against the Government of the United States, that it did not control, in another independent nation, the right of judging of its own affairs; that it did not forbid and effectually prevent the officers of a foreign Power, the British admirals and commanders in the West Indies, declaring certain French colonies to be in a state of blockade! "But the official legalization of a proclamation had been posted up under our eyes, prohibiting our commerce with the French colonies, and suspending to us alone the Law of Nations!" The answer to Mr. Fauchet, from the Secretary of State, represents this matter differently. The British Consul General at Philadelphia, by a publication on the 10th of April, 1795, gave notice: that he had received official communications that the islands of Guadalupe, Marigalente, and Desirade, were, by proclamation issued by His Britannic Majesty's general and vice admiral commanding in the West Indies, declared to be in an actual state of blockade; and that neutral (not singly American) vessels were thereby prohibited from attempting to enter any ports or places in those islands, with supplies of any kind, under the penalty of being "dealt with conformably to existing Treaties, and as warranted by the establish-

ed Laws of Nations." And while existing Treaties (our Treaty with Great Britain had no operative existence till six months after the consul's advertisement) and the Laws of Nations were avowed to be the rules by which the property of neutrals was in this case to be adjudged, had they reason to complain? If any neutral vessels attempted to enter any of those ports which were not in reality in a state of blockade, and yet were captured, could they be condemned? Certainly not by the rules which the British prescribed to themselves—"Treaties and the Laws of Nations." But if the British commanders proclaimed untruths, and issued arbitrary orders for capturing neutral vessels, and their cruisers and courts of admiralty executed them arbitrarily, could the American Government prevent them? We could demand of the British Government satisfaction for injuries to our own citizens consequent on such orders; and if any such were sustained, the arrangements for making reparation are now in execution. But admitting that any ports in the French colonies were in fact blockaded, who should notify it to neutral nations accustomed to trade with those ports? Certainly the officers of that Power whose fleets and armies formed the blockade; and, in the United States, no mode of giving universal notice could be so effectual as a publication in handbills and newspapers.

9th. "It eluded all the advances made by the Republic for renewing the Treaties of Commerce upon a more favorable footing to both nations; it excused itself on the most frivolous pretences; whilst it anticipated Great Britain by soliciting a Treaty, in which, prostituting its neutrality, it sacrificed France to her enemies; or rather looking upon her as obliterated from the map of the world, it forgot the services she had rendered it, and threw aside the duty of gratitude, as if ingratitude were a governmental duty."

Of the advances referred to, the first were made by Mr. Genet. These you will see in the printed correspondence between him and Mr. Jefferson. Mr. Genet's letter is dated the 23d of May, 1793, in which he informed the Government that he was authorized to propose a Treaty on a "liberal and fraternal basis."* Mr. Jefferson's letter to Mr. Morris, our Minister at Paris, dated the 23d of August, 1793, assigns the reason for postponing the negotiation.† "The Senate (says he) being then in recess, and not to meet again till the Fall, I apprised Mr. Genet that the participation in matters of Treaty, given by the Constitution to that branch of our Government, would, of course, delay any definitive answer to his friendly proposition. As he was sensible of this circumstance, the matter has been understood to lie over till the meeting of the Senate." Congress were not to meet until December, consequently there was no necessity for precipitating the business. But, with the best dispositions to form new commercial arrangements, mutually more beneficial than those of the Treaty of 1778, the unwarrantable conduct of Mr. Genet, from

* State Papers, p. 15.

† State Papers, p. 68.

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the moment he landed at Charleston, until the date of his letter on the subject of the negotiation, was sufficient to excite caution in the American Government. He had there violated the sovereignty of the United States,* "by authorizing the fitting and arming vessels in that port, enlisting men, citizens and foreigners, and giving them commissions to cruise and commit hostilities on nations at peace with us," and with whom we had extensive commercial connexions. "These privateers were taking and bringing prizes into our ports, and the consuls of France were assuming to hold courts of admiralty on them, to try, condemn, and authorize their sale as legal prizes." Nevertheless, the Government, really desirous of forming a new and more advantageous commercial treaty with France, instructed the Minister of the United States at Paris, to manifest the same to the Executive of France, and to suggest, for this purpose, that the powers of Mr. Genet be renewed to his successor. It is true, that in his letter dated the 30th of September, Mr. Genet had renewed the proposition of negotiating a commercial treaty; but how was it possible for the Government to undertake a negotiation with that Minister, after "the correspondence which had taken place between the Executive and him," (a correspondence on his part replete with insults,) "and the acts which he had thought proper to do and to countenance, in opposition to the laws of the land?" After the Government had instructed our Minister at Paris to desire Mr. Genet's recall, and to declare to the Government of France, "the necessity of their having a representative here disposed to respect the laws and authority of the country, and to do the best for their interest which these would permit; and when it was only an anxious regard for those interests, and a desire that they might not suffer, which induced the Executive in the meantime to receive his communications in writing, and to admit the continuance of his functions so long as they should be restrained within the limits of the law, as heretofore announced to him, or should be of the tenor usually observed towards independent nations by the representative of a friendly Power residing with them?" Under such circumstances, what answer could the Executive return to Mr. Genet, more proper and more marked with attention to France, than that his letter "would be considered with all the respect and interest which its object necessarily required?"

It is probable that the powers to negotiate a commercial treaty were not renewed to Mr. Genet's successor; certainly they were not communicated to our Government.

We now come to the fresh overtures of a commercial negotiation made by Mr. Adet.

The first notices of them are found in a memorandum of facts dated the 27th and 29th of June, 1795, and subscribed by the Secretary of State. By these it appears that, on the 13th of June Mr.

Adet arrived at Philadelphia. On the 15th Mr. Fauchet introduced him to the Secretary of State. On the 16th Mr. Adet informed the Secretary that he should the next day send him some act of the French Government relative to commerce; but it was not sent. On the 22d of June Mr. Adet was reminded of the promised communication. He said it was copying, and gave reason to suppose that he should forward it on that day, but on that day nothing was received.

On the 29th of June, 1795, Mr. Adet had an interview with the Secretary of State; he observed that he brought with him the commercial decrees which Mr. Genet had formerly propounded to our Government, and was instructed to negotiate a Treaty of Commerce upon their basis. He was asked whether he had any documents to communicate. He replied that he would send them that day. He said he had to communicate some inquietudes respecting the late Treaty between the United States and Great Britain. He observed that it was understood that the United States had disabled themselves from entering into a new commercial treaty upon a liberal scale with France. The Secretary answered, that he had determined, before he came, to ask the permission of the President to communicate to him a copy of the Treaty; and then he might say in what part he supposed that any impropriety with respect to France existed. The President having afterwards assented, the Secretary on the same day delivered to Mr. Adet a printed copy of the Treaty, on which he promised to communicate his remarks.

These remarks, dated June 30th, and the Secretary's answer, dated July 6th, refuting the objections they contained, I have already noticed. The subsequent proceedings will show either that those objections did not make any strong impressions on Mr. Adet's mind, or that the Secretary's answer had removed them.

On the 30th June, 1795, Mr. Adet communicated a part of his instructions relative to "a new commercial treaty and a new consular convention, to be entered into between France and the United States." The instructions imported that he was only to "prepare, with the American Government, the means and arrangement" of these treaties, and then to communicate them to the committee of public safety. The object of the new Treaty was declared to be "to found the commercial relations of the two Republics upon stipulations more reciprocally advantageous, and more clearly worded than that of 1778, and the object of the consular convention to secure the execution of the commercial treaty."

The Secretary of State answered, on the first of July, expressing the readiness of the Government to open the proposed negotiation; and requested a communication of the dates of the decrees to which Mr. Adet's instructions referred.

On the 8th of July, 1795, Mr. Adet replied to the Secretary of State, "that he neither knew nor possessed any other decree, relative to the new negotiation to be opened between France and

* Mr. Jefferson to Mr. Morris, August 16th, 1793. State Pap. p. 58.

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'the United States, than that of the 5th* of February, 1793, communicated to us by citizen Genet." This letter of the 8th was received the 12th, accompanied by a note of the latter date apologising for the delay on account of sickness. On the 12th the Secretary of State had written to him pressing him on the subject of the new negotiation.

On the 16th of July, 1795, the Secretary of State again wrote to Mr. Adet; and, after informing him that he was not clothed with any very formal authority upon this subject, the President of the United States had thought proper to place him (the Secretary of State) upon the same and no other footing, the Secretary proposed that the negotiation should be conducted in writing, unless when either thought it expedient to have an interview on any particular difficulty. And then assuring Mr. Adet that no unnecessary procrastination should be found in the Secretary of State, further proposed that Mr. Adet should state, 1st. The parts of the Treaty which he wished to be abolished; 2d. Those parts which he wished to be corrected; and, 3d. Any additions which seemed to him desirable; but expressed the readiness of the Secretary to adopt any other better mode of conducting the negotiation, if such occurred to Mr. Adet.

On the 20th of July, 1795, Mr. Adet, mentioning his sickness, which, for fifteen days, had obliged him to abstain from business, replied on the subject of the negotiation in these words: "In a few days I shall have the honor of seeing you, and of taking the necessary measures in order to commence the business relative to the digesting of the new Treaty and new consular convention."

From this detail it must, I conceive, be no easy task to find any facts by which Mr. Adet's charge can be supported. What he affects to call "frivolous pretexts," are substantial reasons; and, in respect to his own advances to treat, the conduct of our Government manifests an eagerness to enter on the negotiation; certainly you will discover in it no disposition to elude or to procrastinate.

You will be pleased to observe, sir, that the letter from the Secretary of State to Mr. Adet, explaining the manner in which they should proceed in the negotiation, is dated the 16th of July; and that Mr. Adet's answer, agreeing shortly to meet the Secretary, in order to take the necessary measures for commencing the business, is dated the 20th of July; yet, in his note of November 15th, 1796, after having charged the Government of the United States "with eluding all advances made by the Republic for renewing the treaties of commerce, and excusing itself on the most frivolous pretexts;" after acknowledging that the President had authorized the Secretary of State to negotiate, and that the latter had explained the manner of proceeding, he asks, "but at what time? When the ratification of the Treaty

concluded between Lord Grenville and Mr. Jay, no longer permitted the undersigned to pursue that negotiation." I am sorry, sir, in this place, to call your attention to dates. The British Treaty was not ratified until the 14th of August, 1795, that is, about a month after the plan of negotiating with Mr. Adet had been proposed to him by the Secretary of State, and twenty-five days after he had agreed to proceed in it. And if that ratification finally induced him to abandon the idea of negotiating a new Treaty between France and the United States, it did not instantly produce this determination. He doubtless perceived that his own objections to the British Treaty were obviated by the answer from the Secretary of State; and when he acknowledged the receipt of it, he had given up the right of judging of the Treaty, whether it was good or bad. "I shall," says he in his letter of July 20th, 1795, "transmit it (the Secretary's answer) to the French Government, together with my observations and the Treaty. In such important circumstances, it is exclusively the province of my Government to judge; and I cannot permit myself to decide at all." And then immediately adds, "In a few days I shall have the honor of seeing you, and of taking the necessary measures in order to commence the business relative to the digesting of the new Treaty and new consular convention." The British Treaty then did not obstruct the negotiation; the principles of which might have been agreed on, and the articles drawn into form to be submitted to the respective Governments; for that was all the respective negotiators were authorized to do.

Will the Ministers of the French Republic never cease to reproach us with "ingratitude?" If, indeed, "France wrought" as well as "guaranteed the independence of the United States," as Mr. Adet asserts, "at a time when she might, as the price of that very independence, have granted them less liberal conditions," our obligations are greater than we have hitherto imagined. But it is time that these claims to our gratitude were investigated, and their extent ascertained. We have citizens yet alive who were actors and witnesses of the Declaration of our Independence, and of the efforts to maintain it, with their effects, prior to our Treaty with France. But laying no stress on our own recollections or consciousness, we will resort to the testimony of France herself.

France, by her Minister, the Marquis de Noailles, having, in the declaration of the 13th of March, 1778, which I have already quoted, announced to the Court of London the Treaty of Friendship and Commerce she had formed with the United States; and that to maintain the commerce of his subjects with them, which was the object of that Treaty, His Most Christian Majesty had "taken eventual measures in concert with the United States of North America," that Court published a justificative memorial, to vindicate to the world the war she had determined to wage against France. In the Observations of the Court of France on this British memorial, we find the following declarations on the part of France:

* Mr. Adet has since corrected this date, the decree intended being dated February 19th, 1793.

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* "While the Ambassador of England put the King's patience to the strongest proofs, and while the Court of London was constantly repeating denials of justice to His Majesty's subjects, at the same time that the British officers continued to desolate them on the sea, an event came to pass in America which essentially changed the face of things in that quarter of the world. This event was the defeat of the army under General Burgoyne. The news of this unexpected disaster, which arrived in Europe in November, 1777, astonished the British Ministers, and must have more sensibly affected them, as it overthrew the plan they had laid for the reduction of the colonies." The Observations then suggest that this great event induced, in the British Cabinet, the idea of conciliation with America, and of a coalition against the Crown of France, in revenge for the supposed aid rendered by her to the United States; and to gratify "their most dear and constant wish—that of humbling France."† "It was natural for the British Ministry, unable to subdue her colonies, to seek to be reconciled to them, and to engage them to espouse her resentment. They might so much the more flatter themselves that they should succeed herein, as the proceedings of France with regard to American privateers, and especially the dislike the King had at all times manifested to any engagement with the Congress, must have given disgust and dissatisfaction to their Deputies, and induce them, notwithstanding their well known aversion, to seek even in England the safety of their country, when they failed to find it in France."

‡ "The King, well informed of the plan of the Court of London, and of the preparations which were the consequence of it, perceived that no more time was to be lost, if he would prevent the designs of his enemies. His Majesty determined, therefore, to take into consideration, at length, the overtures of Congress."

§ "The Commissioners [from the United States] proposed to the King a Treaty of Amity and Commerce, and an alliance offensive and defensive, by which His Majesty should engage not only to acknowledge simply and purely the independence of the United States, but also to guarantee and defend it by force of arms. The King ordered an answer to be given, that he could indeed look upon the independence of the United States as existing, but that it did not belong to him to acknowledge it, because he had not any right to judge of it; neither could he guarantee it, as he did not intend to enter into a war for its support. His Majesty in consequence refused an offensive alliance, and confined himself to the Treaty of Amity and Commerce. But as it was more than probable that the Court of London had formed the design of attacking France, His Majesty thought he ought to enter into an alliance with the United States eventual and purely defensive. The stipulations contained in this second Treaty are, in substance, that if France should be attacked by the Court of London be-

fore the cessation of hostilities between that Court and its Colonies, then the King and the United States should mutually assist each other against the common enemy; that the King should guarantee the independence and sovereignty of the United States; and that he should not lay down his arms till it should be acknowledged by Great Britain."

Thus it is manifest that the United States were to be left still to fight their own battles, unless Great Britain should choose to increase the number of her enemies by attacking France; in which case it would be as truly the interest of France as of the United States to make it a common cause.

* "This last Treaty remained secret, because it was not in force at the time of concluding it; but that of commerce was notified at the Court of London, March 13th, 1778." The first words of the notification are these: "The United States of North America, who are in full possession of independence," &c. The whole paragraph has been already quoted. The notification further expressed "that the King, being determined to protect effectually the lawful commerce of his subjects, and to maintain the dignity of his flag, His Majesty has, in consequence, taken eventual measures, in concert with the United States of North America." The Court of London chose to consider this notification as a declaration of war, of which they accuse the King as being the author, and represent him as the violator of laws, divine and human, &c., &c. "The act, however, which has drawn upon the King such odious imputations, has, for its foundation, two incontestable truths: the first, that at the period of the 6th of February, 1778, the Americans had the public possession of their independence; the second, that the King had a right to look upon this independence as existing, without being obliged to examine the legality of it, and that no law forbade him to form connexions with the Americans."

The Observations then reciting that the fruitless attempts of the Colonies to obtain redress from their mother country, in the mode of supplication, had induced them to league together to maintain their privileges, sword in hand; and, soon after, to publish the solemn act, whereby they declared themselves independent, say, † "This act, which is of the 4th of July, 1776, induced the Court of London to give way to her resentment; she displayed her power to chastise the Americans, and to reduce them by conquest. But what has been the fruit of their efforts? Have they not served to demonstrate to America, to all Europe, and to the Court of London herself, her impotence, and the impossibility of her ever hereafter bringing the Americans again under her yoke!" That she had given this demonstration to America is evident by the manner in which Congress received the conciliatory bills, hastily sent from the Court of London to America, and communicated by Lord and General Howe. Congress were then

* Obs. p. 60. † Obs. p. 64. ‡ Obs. p. 66. § Obs. p. 67.

* Obs. p. 69.

† Obs. p. 73.

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uninformed of the Treaties which their Commissioners had lately concluded at Paris. Yet confident in the strength and spirit of their country, and of the inability of Britain to subdue it, they resolved, unanimously, to reject these overtures for peace and conciliation, and to hold no conference or Treaty with any Commissioners on the part of Great Britain, unless, as a preliminary, they withdrew their fleets and armies, or in positive terms acknowledged the independence of these States.

Again: † "It is sufficient for the justification of His Majesty that the Colonies, which form a nation, considerable as well for the number of their inhabitants as for the extent of their dominion, have established their independence, not only by a solemn declaration, but also in fact; and that they have supported it against the efforts of their mother country. Such was, in effect, the situation of the United States when the King began to negotiate with them. His Majesty had full liberty of considering them as independent, or as the subjects of Britain. He chose the first part, because his safety, the interest of his people, invariable policy, and, above all, the secret projects of the Court of London, imperiously laid him under the necessity." The secret projects here referred to were those of reconciliation, on terms which might satisfy the United States, and produce a re-union and coalition for the purpose of falling upon France. To avoid the risk of this combined attack, to avoid greater danger in future, by preventing the possibility of uniting again the great portions of the British empire, separated, in fact, and thus essentially to diminish its power, were the avowed inducements with the Court of France to consider the United States as independent. Having stated these things, they † "ask if there is a Sovereign who, in the same situation with His Majesty, would not have imitated his example?"

Again: † "He (the King of France) had the right to consider as independent the confederate inhabitants of an immense continent, who presented themselves to him with this character; especially after their ancient Sovereign had demonstrated, by efforts as continual as painful, the impossibility of bringing them back to obedience."

§ "To complete the justification of His Majesty, nothing remains but to examine whether what are called *Reasons of State* could have determined His Majesty to connect himself with the Americans. To treat this question with all the clearness of which it is susceptible, the political interest of France must be viewed under two different relations: the first respects the other Powers of Europe, the second respects Great Britain."

"In treating with the Americans, after they became independent, the King exercised the right inherent in his sovereignty, with no other view than to put an end to the predominant power,

which England abused in every quarter of the globe." The Observations then suggest that by this conduct the King has essentially watched over the interests of all the Sovereigns of Europe, * "by contributing to restrain a Power which has always carried to excess the abuse of her resources."

The Court of London having charged the King of France with ambition, and the project of demolishing the power of England, by his engagements with the Americans, the Observations declare, that † "Nothing more will be discovered in them, [his engagements with the United States,] on the most accurate scrutiny, than a diminution of this power—a diminution which England has herself provoked, by a conduct the most unjust and most irregular, and which the tranquility and happiness of Europe have for a long time required."

† "The most vigilant and consummate prudence could not devise adequate precautions against the enterprises of such a Power; so that the only means of being secured from it was to seize the opportunity of diminishing it."

‡ "It may then be truly said, that, on examination of the conduct of the King, it was not only just and lawful, but even necessary, as well for the individual interest of France as for that of all Europe."

I will trouble you with but one extract from the justificatory Observations of the Court of France.

§ "To deceive the other nations with regard to the real motives which have directed the conduct of the King, the British Ministry maintain that he entered into the Treaty with the Americans, not because he feared the secret views of Great Britain, but because he foresaw that the Americans, defeated, discouraged, without support, and without resources, were about to return to their mother country; and that there was not a moment to be lost in reanimating and confirming them in their opposition. It was, without doubt, for the sake of this assertion, that the British Ministry have thought it beneath the dignity of their Sovereign to search for the period at which France formed connexions with the United States; it might with greater truth be said that this research did not coincide with their plan of defence. The King is willing to spare the British Ministry a task so disagreeable and embarrassing, by observing for them, that the conversations which led to the Treaties of the 6th of February, 1778, were considered posterior to the capitulation of General Burgoyne. Now, it is notorious that this event elevated the courage and the hopes of the Americans as much as it dejected the British nation, and principally the Court of London. If, then, the King has listened to the propositions of Congress, after this period, so disastrous to the British, it has not been, and could not have been, for any other reason but because he thought, with the Unit-

* Journals of Congress 22d April, 1778.
† Obs. p. 78. ‡ Obs. p. 82.

† Obs. p. 77.
§ Obs. p. 88.

* Obs. p. 89.
‡ Obs. p. 92.

† Obs. p. 90.
§ Obs. pp. 95, 96.

‡ Obs. p. 91.

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ed States, that their independence was thenceforward irrevocable."

In these extracts from the Observations of the Court of France, we see an open avowal of her motives for entering into Treaties with the United States during our Revolution; but do such motives afford any strong claims to our gratitude? She rejoiced at the prospect of a final separation of the thirteen Colonies from Great Britain. She saw them erected by their solemn declaration into independent States: but during near three years of our contest she continued waiting for some fortunate event that should ensure stability and ultimate success to our enterprise. This event took place in the capture of a whole British army. "Then the King listened to the propositions of Congress, because he thought with the United States that their independence was irrevocable." He then treated with the Americans with no other view than to put an end to the predominant power which "England exercised in every quarter of the globe." "A diminution of this power (says the King) the tranquillity and happiness of Europe have for a long time required." "The only means of being secured from it, was to seize the opportunity of diminishing it:" and he did seize it, because his safety, the interest of his people, invariable policy, and above all, the secret projects of the Court of London, imperiously laid him under the necessity."

After these repeated declarations on the part of France, that her only view in contracting engagements with the United States was to diminish the British power, and thereby promote the safety and interest of her own people, and the tranquillity of Europe; very unexpected indeed are the modern claims of boundless and perpetual gratitude. Nevertheless, animated as we always have been with sincere desires to maintain those useful and friendly connexions with France, which had their foundation in our Revolution, we should have remained silent on these claims, had not the frequency and manner in which they have been urged compelled their discussion. We are not now disposed to question the importance of the aid we actually derived from France in the war of our Revolution, nor to retract the grateful acknowledgments that all America has from that time offered to that nation: we were in the habit of expressing our gratitude to her for the benefits which we received, although they resulted from her exertions to advance her own interest and secure her own safety. But if those benefits had been rendered from pure benevolence, from disinterested good will to us, and we had been remiss in acknowledging them, is it the part of generosity, of magnanimity, constantly to upbraid the receivers of their favors with ingratitude? Do not such reproaches cancel the obligation? But if for favors apparently generous, substantial returns are demanded, the supposed liberal act degenerates, and becomes a mercenary bargain.

If such only are the motives for our gratitude towards France, at the commencement of her political and commercial connexions with us, in the midst of our war with Great Britain, what more

can we discover at the conclusion of that war? Let us examine.

In 1781, with the assistance of a French army by land, and a powerful fleet by sea, a second British army was captured. This event made even the British Government despair of bringing the United States again under her subjection. The Ministry was changed; and the Parliament passed an act to authorize the King to make peace. In the Summer of 1782, an agent, on the part of Great Britain, repaired to Paris to negotiate with the Commissioners of the United States. For some time Doctor Franklin and Mr. Jay were alone at Paris. The commission to Mr. Oswald (the British negotiator) authorized him to treat of and conclude a peace or truce with any Commissioner or Commissioners, named or to be named by the colonies or plantations of New Hampshire, &c. (naming the thirteen) or with any of them separately, with parts of them, or with any persons whatsoever. Mr. Jay was not satisfied with this commission to Mr. Oswald: the independence of the thirteen States was no where intimated. Agreeably to their instructions from Congress, to take advice of the Court of France, the Commissioners communicated Mr. Oswald's commission to the Prime Minister, the Count de Vergennes. The Count expressed his opinion that the commission was sufficient; that it was such an one as we might have expected it would be: "That an acknowledgment of our independence, instead of preceding, must, in the natural course of things, be the effect of the Treaty." This opinion the Count continued from time to time to repeat. In short, "it was evident the Count did not wish to see our independence acknowledged by Britain, until they had made all their uses of us." Mr. Jay still continued unmoved. He conferred with Mr. Oswald, and "urged in the strongest terms the great impropriety, and consequently the utter impossibility of our ever treating with Great Britain on any other than an equal footing; and told him plainly, that he (Mr. Jay) would have no concern in any negotiation in which we were not considered as an independent people."

It was on this occasion that Mr. Oswald communicated to Mr. Jay this article of his instructions: "In case you find the American Commissioners are not at liberty to treat on any terms short of independence, you are to declare to them that you have our authority to make that cession: our ardent wish for peace disposing us to purchase it at the price of acceding to the complete independence of the thirteen colonies."

The British Ministry approved of this communication; but still were for treating with us as colonies, and making an acknowledgment of our independence only an article of the Treaty. Mr. Jay's discernment discovered the source of the backwardness, at this time, in the British Court, to admit our independence previous to the negotiating of the Treaty; and mentioned it with his reasons to Mr. Oswald; who, far from contradicting Mr. Jay's inference, told him a fact which confirmed his opinion that it originated in the

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Court of France, and was communicated to that of London by the British Commissioner then in Paris, to treat of peace between France and Great Britain. Mr. Jay then explained to Mr. Oswald what he supposed to be the natural policy of the French Court, and showed him, "that it was the interest of Britain to render us as independent of France as we were resolved to be of Britain." Mr. Oswald was convinced. Mr. Jay reminded him of the several resolutions of Congress, passed at different periods, not to treat with British Commissioners on any other footing than that of absolute independence; and proposed to give to him in writing what he had before expressed in conversation—his determination not to treat but on the footing of equality. Mr. Oswald preferred having it in writing. Mr. Jay prepared the draught of a letter, to be signed by him and Dr. Franklin, expressing their determination not to treat but on terms of equality, as an independent nation; and exhibiting the reasons of this determination. Dr. Franklin thought the letter "rather too positive, and therefore rather imprudent; for that in case Britain should remain firm, and future circumstances should compel us to submit to their mode of treating, we should do it with an ill grace, after such a decided and peremptory refusal." Besides, the Doctor seemed much perplexed and fettered by the instructions from Congress—to be guided by the advice of the French Court. Neither of these considerations affected Mr. Jay. For as to the first, he could not conceive of any event which would render it proper, and therefore possible, for America to treat in any other character than as an independent nation. And as to the second, he could not believe that Congress intended they should follow any advice which might be repugnant to their dignity and interest.

Dr. Franklin's doubts prevented this letter being signed. Mr. Oswald was disappointed, and desired to see the draught. He saw it, and requested a copy of it. After taking time for consideration, Mr. Jay complied with the request. "For though unsigned, it would convey to the British Ministry the sentiments and opinions he wished to impress; and if finally they should not be content to treat with us as independent, they were not yet ripe for peace or treaty with us. Besides, he could not be persuaded that Great Britain, after what the House of Commons had declared, after various other acts of that Government, manifesting the intention to acknowledge it, would persist in refusing to admit our independence, provided they really believed that we had firmly resolved not to treat on more humble terms."

"With the copy of this draught Mr. Jay gave Mr. Oswald copies of the various resolutions of Congress which evinced their adherence to their independence. These papers Mr. Oswald sent by express to London, and warmly recommended the issuing a new commission, to remove all further delay."

Mr. Jay having afterwards ascertained that the Count de Vergennes had sent a confidential agent

to London, but whose journey was intended to have been a secret, for purposes evidently hostile to the interests of the United States, determined immediately to counteract the project, by an agent on whom he could rely, to make to the Court of London such representations as he thought the occasion demanded. He succeeded, and in about two weeks, Mr. Oswald received a new commission in the form for which Mr. Jay had contended.

Mr. Jay remarked, that agreeably to the Declaration of Independence, the United States, as free and independent, had full power to levy war, conclude peace, contract alliances, &c. That by the act of confederation, the style of the Confederacy was declared to be, THE UNITED STATES OF AMERICA, and by that act Congress were vested with the sole and exclusive right and power of determining on peace and war, and of entering into treaties and alliances: that being of right and in fact free and independent States, their Representatives in Congress granted a commission to certain gentlemen, of whom Dr. Franklin and he were two, in their name to confer, treat, and conclude with Ambassadors or Commissioners, vested with equal powers, relating to the re-establishing of peace, &c. But the first commission to Mr. Oswald was not equivalent: the United States were not named in it; nor their Commissioners, who consequently were not the persons with whom Mr. Oswald was authorized to treat. And if the Commissioners had consented to treat with Mr. Oswald under such a commission, what would have been the condition of the people of the United States in the interval, between the commencement of the negotiation and the conclusion of peace? They would have been not independent citizens; but, by our own acknowledgment, British subjects. Mr. Jay would not consent to this degradation, after we had maintained our independence six years, after we had established it in fact, and after Congress had, by firm and repeated resolutions, refused to treat with Great Britain, unless as a preliminary, she withdrew her fleets and armies, or else in positive and express terms, acknowledged the independence of the United States. At the same time, Congress manifested their readiness to attend to such terms of peace as might consist with the honor of independent nations; but the honor of an independent nation forbade their treating in a subordinate capacity. Even the dignity of France, who four years before treated with us as an independent nation, required that we should not degrade ourselves when going to treat with her enemy; and why then should her Ministers desire us to do it? Especially when the Treaty of Defensive Alliance declared the "essential and direct end of it was to maintain effectually the liberty, sovereignty and independence, absolute and unlimited, of the United States, as well in matters of government as of commerce." There were several reasons. The two parties, France and the United States, engaged not to lay down their arms until the independence of the United States should be attained. The explicit acknowledg-

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ment of their independence by Great Britain would show, that for the essential and direct object of the alliance, there was no necessity for continuing the war. But since making this Treaty of Alliance with the United States, France had formed other connexions, with whose views we had no concern, and for whose sake we were not bound to postpone the offered peace. We have seen the explicit avowal of the King of France that he entered into a Treaty with the United States with the view to promote the safety and interest of his kingdom and subjects, by diminishing the power of England: but in doing this, and eventually facilitating our independence of Great Britain, it became apparent that there would be no objection to our dependence on France, particularly in "leaving the King master of the terms of the Treaty of Peace." And to keep us thus far dependant was manifestly the object of certain measures of the French Court calculated to deprive the United States of an immense western territory; of the navigation of the Mississippi, and of the fisheries, except on our own coast.

A combination of facts and circumstances leave no doubt of the intentions of the French Court as to the objects above-mentioned. I cannot undertake the lengthy detail, and will only just mention in regard to territory, what was proposed and urged by one whose official station rendered it impossible to believe, that he was expressing only his own sentiments; or that he was not acting by the direction of the French Court. He proposed, what he called a conciliatory line between the United States and Spain. This was to begin at the division of East from West Florida, and run thence to fort Toulouse on the river Alabama; thence by different courses to Cumberland river, and down the Cumberland to the Ohio. It was insisted that the United States could have no pretensions westward of this line. That "as to the course and navigation of the Mississippi, they followed the property, and would belong therefore to the nation to which the two banks belonged; the United States could have no pretensions, not being masters of either border of the river;" and that "as to what respects the lands situated to the northward of the Ohio, there was reason to presume that Spain could form no pretensions thereto: their fate must be regulated with the Court of London." It is certain that, originally, Spain made no pretensions to any lands eastward of the Mississippi to the northward of the Floridas; and it is clear that the idea of her finally making the claim, was suggested by the Court of France.

We are now prepared to understand the declarations made in the instructions of Citizen Genet, Minister Plenipotentiary from the French Republic to the United States. These instructions are dated the 4th of January, 1793, and were published in December of that year, in Philadelphia, by Mr. Genet, in vindication of his extraordinary measures, which had induced our Government to desire his recall. In these instructions we find the following passages: "The Executive Coun-

cil has called for the instructions given to Citizen Genet's predecessors in America, and has seen in them, with indignation, that at the very time the good people of America expressed their gratitude to us in the most feeling manner, and gave us every proof of their friendship, Vergennes and Montmorin thought that it was right for France to hinder the United States from taking that political stability of which they were capable; because they would soon acquire strength, which it was probable they would be eager to abuse." "The same Machiavelian principle influenced the operations of the war for independence—the same duplicity reigned over the negotiations for peace."

We see, then, that in forming connexions with us in 1778, the Court of France, the actual organ of the nation, had no regard to the interest of the United States, but that their real object was, by seizing the occasion of dismembering the British empire, to diminish the power of a formidable rival; and that when, after we had carried on a distressing war for seven years, the great object for which we had contended—*independence*—was within our reach, that Court endeavored to postpone the acknowledgment of it by Great Britain, and eventually to deprive us of its fairest fruits—a just extent of territory, the navigation of the Mississippi, and the fishery.

Such being the motives and conduct of France, what inspired our truly grateful sentiments towards that nation? The ardent affection, the sincere friendship of Americans to Frenchmen. We were engaged in a common cause against Great Britain. We received loans of money; we were aided by troops and ships in attacking and conquering the common enemy in the bosom of our country; and this association in war produced acquaintances and personal friendships; and, experiencing these benefits, we gave way to our feelings, without inquiring into the motives from which they were rendered.

But why are we so often reminded of the debt of gratitude? Is it really because more than gratitude—because compensation is expected to cancel it? If compensation is the object, the Treaty of Alliance has absolved the claim: "The contracting parties declare that, being resolved to fulfil, each on his own part, the clauses and conditions of the present Treaty of Alliance, according to its own power and circumstances, there shall be no after claim of compensation on one side or the other, whatever may be the event of the war."

I am here naturally led to notice Mr. Adet's charge already mentioned—That we have not offered to France the succors which friendship might have given, without compromising the Government.

If Mr. Adet had specified the kind of succors which might thus have been offered, we could better judge of the correctness of his assertion.

But is it true that we have rendered no succors to France? Read the following passages in the Secretary of State's letter of the 16th of August, 1793, to Mr. Morris: "We recollect with satis-

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'faction, that in the course of two years, by unceasing exertions, we paid up seven years arrearages and instalments of our debt to France, which the inefficacy of our first form of Government had suffered to be accumulating; that, pressing on still to the entire fulfilment of our engagements, we have facilitated to Mr. Genet the effect of the instalments of the present year, to enable him to send relief to his fellow-citizens in France, threatened with famine; that, in the first moment of the insurrection which threatened the colony of St. Domingo, we stepped forward to their relief with arms and money, taking freely on ourselves the risk of an unauthorized aid, when delay would have been denial; that we have given the exclusive admission to sell here the prizes made by France on her enemies in the present war, though unstipulated in our Treaties, and unfounded in her own practice, or in that of other nations, as we believe."

To this detail I have to add, that of all the loans and supplies received from France in the American war, amounting nearly to fifty-three millions of livres, the United States, under their late Government, had been enabled to pay not two millions and a half of livres; that the present Government, after paying up the arrearages and instalments mentioned by Mr. Jefferson, has been continually anticipating the subsequent instalments, until, in the year 1795, the whole of our debt to France was discharged, by anticipating the payment of eleven millions and a half of livres; no part of which would have become due until the 2d of September, 1796, and then only one million and a half; the residue at subsequent periods; the last not until the year 1802.

There remain yet various passages in Mr. Adet's notes on which some observations are to be made.

In my letter of the 1st of November last, in answer to Mr. Adet's note of October 27th, in which he communicated the decree of the Executive Directory of the 2d of July last, declaring that the flag of the Republic of France should treat the flag of neutrals in the same manner as these should suffer it to be treated by the English, I asked an explanation of the decree, mentioning the circumstances which excited doubts. There seemed to be sufficient cause for inquiry. Had the decree referred to the past captures by the English, our knowledge of them would have been some guide in forming our opinion of the threatened captures by the French; but the operation of the decree was to depend on the future conduct of the English; the French were to treat the flag of neutrals as these shall suffer it to be treated by the English. As this could not be ascertained beforehand, we wished to know whether the restraints then exercised by the British Government were considered as of a nature to justify a denial of those rights which were pledged to us by our Treaty with France? Whether the orders had actually been given to capture the vessels of the United States? And, if given, what were the precise terms of those orders? Mr. Adet, in his reply, says, that I appear not to have understood either the decree of the Directory or his note

which accompanied it. The meaning of the decree is certainly not very obvious. The manner of executing it was declared to depend on a contingency—the future conduct of the English. How were the French cruisers in the four quarters of the world to determine what was the conduct of the English at any given time? If he could have furnished a copy of the orders actually given to French armed vessels under the decree, we might have seen clearly what were the intentions of the Directory. If we are to take the practice of the French armed vessels, and of some of the French tribunals, as the true illustration of the decree, Mr. Adet's own explanation will be very defective. He has specified only two cases—the taking of English (or other enemy's) property on board American vessels, and the seizure of all the goods classed as contraband in our Treaty with Great Britain. In the case of contraband goods, the seizure of them is lawful only when they are destined to the ports of their enemies; and the contraband goods only are liable to confiscation. But the special agents of the Directory in the West Indies order the seizure of all vessels having on board contraband goods, no matter whether destined to an enemy's, or to a neutral, or even to a French port; and when seized, they confiscate not merely the contraband articles, but all other goods, and the vessel herself in which they are laden. They also assign, in their decrees of confiscation, another cause of capture and condemnation—that the American vessel has sailed to or from a port in possession of the English. We are not informed that the English take any neutral vessels for this cause. We have heard of several American vessels being captured and confiscated by the French, merely because they had not a sea-letter, when no doubt could have been entertained of the property being American. Yet it is conceived that the want of a sea-letter was never intended to exclude other proofs of property.

Further: ought we to have imagined that the Executive Directory intended to leave it to the discretion of every privateer, and of every inferior tribunal, to judge what, at any time subsequent to their decree, was the actual treatment received by American vessels from the British? Ought we to have imagined that the decree was formed in such indefinite terms on purpose to give scope for arbitrary constructions, and consequently for unlimited oppression? Ought we to have imagined what Mr. Adet has himself declared to be the meaning of the decree, that the French armed vessels were not to content themselves with capturing American vessels having English property or contraband goods on board, and getting such property and goods condemned by their tribunals, but if any English commanders were to practice "vexations" towards Americans, that Frenchmen were to do the same? Ought we to have imagined that the Directory intended the citizens of France should be encouraged to take revenge on their friends for the outrages of their enemies? And what is to limit these vexations? If one English commander in a hundred perversely

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and wantonly abuses his power, is every French officer to become his rival in dishonor? Or, if we are to suffer only measure for measure, (and surely the decree goes not beyond this,) who is to designate the every hundredth French officer who is to be the instrument of similar oppression?

But French armed vessels are to make all these captures in violation of the Treaty, and we are to suffer all these vexations in violation of reason and humanity, while we endure them from the English "without an efficacious opposition!" And what opposition will be deemed efficacious? For all captures made by the British contrary to the Law of Nations we have, agreeably to that law, demanded satisfaction. The British have engaged to make us satisfaction, and Commissioners are now sitting to liquidate those demands. What opposition could have been more efficacious? What further opposition can be lawful?

Instead of further comments on this subject, let me present to you some passages in Mr. Adet's letter of the 14th of July, 1795. In this letter he communicated to the Secretary of State the decree of the Committee of Public Safety of the * 3d January, 1795, repealing the 5th article of the decree of the † 15th of November, 1794. The latter violated our Treaty by subjecting the property of the enemies of France on board American vessels to capture, and by adding to the list of articles contraband. It was therefore repealed by the former. Mr. Adet seized this occasion to make the following declaration: "You will see, sir, (said he,) in both [the decrees] the undisguised disposition and sincere desire of the French Government religiously to observe the engagements it has contracted with its allies, and its readiness to redress infractions, which have never taken place but from the impulse of circumstances." "It is amidst her triumphs that the Republic loves to give this striking mark of its fidelity. Victorious France knows no other concern than that of justice—no other diplomatic language than that of truth." To this truth, to this justice, to this fidelity, we now make our appeal.

From the style of Mr. Adet's complaint of the British being suffered to arm in our ports, it might be imagined the instances were numerous. None were permitted; the actual armaments were few, and are as old as the year 1793, and were represented by Mr. Genet to the Secretary of State. "What answer (asks Mr. Adet) did the Government give to the representations of the Minister of the French Republic in this respect? It said that these vessels sailed too suddenly; that it was not able to cause them to be stopped." The answer was given by the Secretary of State in different words: † "Those from Charleston and Philadelphia have gone off before it was known to the Government, and the former, indeed, in the first moments of the war, and before preventive measures could be taken in so distant a port." In the case of the Trusty, Captain

Hale, at Baltimore, the Governor of Maryland having been informed that she had been buying guns, had given orders to examine the fact; "but she got off before the officer could get on board, having cleared out three or four days before." I have not observed that Mr. Genet ever renewed his complaint with regard to any of these vessels; whence I suppose he was satisfied with the answer, as he indeed ought to have been. The two English vessels that sailed from Philadelphia escaped even the vigilance of the French Consul,* both had departed many days before he had been informed of them. This is stated by the Consul himself in his report of the 21st of June, 1793, to Mr. Genet. And yet the Government is now charged by Mr. Adet with violating the Treaty, because it did not stop them! Although the officers of the United States had been required to be watchful, and to report all illegal armaments in our ports, yet it was natural for the Government to expect to derive information from the French Consuls, who doubtless were charged by their own Government to be particularly vigilant in regard to all attempts at such armaments by the enemies of the Republic. Mr. Adet remarks, that "some inhabitants of the United States had aided in these illegal armaments" of the enemies of France, and asks, "What measures were taken against them? Was any search made to discover them—to prosecute them? Never." Yet the very letter from Mr. Genet to the Secretary of State, in which and its enclosures Mr. Adet has found this subject of complaint, suggests a different conclusion: † "I learn with pleasure, (says Mr. Genet,) by your letter of the 23d of this month, [June, 1793.] that the Government of Georgia have caused to be stopped a vessel armed in that State for the purpose of cruising against the French, and that the persons interested in this vessel will be prosecuted."

I shall say but a few words on the subject of the letters of which Mr. Adet complained that they remained unanswered. The first (of September 29, 1795) contained those reproachful insinuations which were recited in my letter of the 1st of November last. Why were these introduced by him if they were not to be applied? An answer was draughted on the subject of his letter, with animadversions on those insinuations: but desiring to avoid irritations, the answer was not sent. It was deemed of the less consequence, seeing in my letter to Mr. Monroe of the 12th of September, 1795, the sentiments and reasonings of the Government on that and other subjects relating to France, had been fully expressed, to enable him to make immediate communications to the French Government itself; and it was hoped that the information given in that letter, and in others written to him the preceding Summer, would have furnished materials (and that these materials would have been timely used) for such representations as would have satisfied the French Government that the United States, in forming the Treaty with Great Britain, had only

* 14 Nivose, 3d year. † 25 Brumaire, 3d year.
† State Papers, p. 41. June 20, 1793.

* State Papers, p. 41.

† State Papers, p. 40.

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exercised an indisputable right; and neither by that Treaty, nor any other act, had infringed a single article of our Treaties with France.

On the subject of the impressment of our seamen, mentioned in Mr. Adet's letters of March and April, 1796, I shall only add, that nothing was more notorious than that those impressments had excited universal resentment in the United States, and been the subject of repeated remonstrance from our Government to the British Court. Thus, in Mr. Pinckney's note to Lord Grenville, in August, 1793, which was published here that year, in the same collection of State papers with Mr. Jefferson's letter of September 7th,* which Mr. Adet has quoted, and on the fifth page next succeeding it, we find the following: "Under this head it may be observed, that for want of arrangements being made for the security of American seamen in the ports of this country, (England,) they are subject to the various hardships Mr. Pinckney has so frequently detailed to Lord Grenville. And in the next page, in his letter to Mr. Jefferson, Mr. Pinckney says: The protection afforded our seamen remains also on the same footing; they (the British Government) profess a willingness to secure to us all real American seamen, when proved to be such; but the proof they will not dispense with." To remove as far as possible the embarrassments arising from this cause, and more effectually to protect our seamen, was the object of a bill pending in Congress, and the subject of public debate, at the time I received Mr. Adet's letters. This bill was passed into a law.

All these acts demonstrated that the Government did not assent, but on the contrary that they resisted the impressment of American seamen: and this resistance has been continued; consequently, we cannot be charged on this ground with a violation of our neutrality.

Among the former subjects of complaint not now renewed by Mr. Adet, is that against the Government for permitting the purchase and exportation of horses, by British agents, in the course of the last Winter and Spring. The correspondence on this subject is lengthy; and yet the question lies within a very narrow compass.

Perhaps no rule is now better established, than that neutral nations have a right to trade freely with nations at war; either by carrying and selling to them all kinds of merchandise, or permitting them to come and purchase the same commodities in the neutral territory; in the latter case, not refusing to one Power at war what it permits another to purchase; with this exception in respect to articles contraband, that if the cruisers of one of the belligerent Powers meet at sea with neutral vessels laden with such articles destined to the ports of their enemies, the neutral vessels may be captured, and the contraband goods will be lawful prize to the captors; but the residue of their cargo and the vessels themselves are to be discharged.

But if there were any doubt on this point under

the Law of Nations, there can be none in relation to France and the United States; because this matter is specially regulated by their Treaty of Commerce. This Treaty, so far from restraining the trade of either party remaining neutral, while the other is engaged in war, provides regulations agreeably to which it should be conducted.

The 12th and 13th articles authorize either party that is at war, to stop the neutral merchant vessels of the other destined to the ports of an enemy, upon just grounds of suspicion, concerning the voyage or the lading. If, on examining the ships' papers, it appears there are any contraband goods on board, "consigned for a port under the obedience of his enemies," she may be carried into port, and the contraband articles may, by regular proceedings in the Admiralty, be confiscated: "saving always as well the ship itself as any other goods found therein, which by this Treaty are to be esteemed free; neither may they be detained on pretence of their being as if they were infected by the prohibited goods; much less shall they be confiscated as lawful prize." It further provides, that if the master of the neutral ship shall be willing to deliver the contraband goods to the captor, and the latter receives them, then is the neutral ship to be forthwith discharged and allowed freely to prosecute her voyage. The 23d article goes further. If the neutral ship shall have on board the enemies of the other, "they are not to be taken out unless they are soldiers in actual service."

These articles are so explicit, it may seem strange that a doubt should arise concerning them. I presume no doubt did arise: for Mr. Adet, overlooking those provisions of the Treaty, demanded that the Government should stop the exportation of horses by the British, upon the principle that it was a neutral duty, required by the Law of Nations. An answer was given to his demands, in which the regulations of our Treaty with France were particularly brought into view, as well as the rules of the Law of Nations. Mr. Adet, however, after some time renewed his claims; but again kept the Treaty out of sight. An answer was given to the renewed claims; and we heard no more on the subject until the French privateers in the West Indies began to capture American vessels which had horses on board. You will find among the documents on this subject the copy of a decree of the citizens Victor Hugues and Lebas, the special agents of the Executive Directory in the Windward islands, condemning an American vessel and her entire cargo for having a small number of horses on board, not bound to their enemy's, but to a neutral port. And these special agents ground their decree on the advice they received from Mr. Adet, under the date of 14th Messidor, being July 2, 1796. This vessel and cargo were thus condemned without the sight of a single paper belonging to her: the master had them in his pocket, and would have brought them home, but for the recollection of the interpreter, some hours after the sentence of condemnation had been passed. These citizens exercise, indeed, a very brief authority. The

* Mr. Adet by mistake dates it September 12th.

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process in the case of a second American vessel, which to complete her lading had taken on board nineteen horses, but which was also bound to a neutral port, was in this form: The captain having come before one of the agents, he, without any previous examination or hearing, addressing himself to the captain, pronounced sentence, in these words: "I have confiscated your vessel and cargo," closing the sentence with opprobrious language.

Mr. Adet, on the 18th of May last, revived his predecessor's claim of right by Treaty to sell their prizes in our ports. This occasioned the correspondence on this subject which you will find among the documents collected on this occasion. He contents himself, however, with considering it as a right granted not positively, but by implication. That is, because the Treaty forbids the enemies of France to sell their prizes in our ports; therefore it grants to her a right of selling her prizes. As if my friend's denial of a favor to my enemy, was in fact a grant of the same favor to me. The simple statement of the ground of the claim would seem sufficient to show that the Treaty will not support it. That sales of French prizes have been at all permitted, has been owing to the indulgence of the Government. This indulgence was continued until it interfered with a new positive obligation: an obligation precisely the same that France herself contracted eight years subsequent to her Treaty with us, and with the same Power. This obligation is found in the twenty-fourth article of our Treaty, and the sixteenth of the French Treaty with Great Britain. Thus France and the United States alike engaged to permit no enemy of Great Britain to arm privateers in their ports, or to sell their prizes there, or in any manner to exchange them. Consequently had France remained at peace, and we engaged in a war with Great Britain, our privateers would not be permitted to sell their prizes in French ports.

And by the maritime law of France,* prizes, except they are taken from her enemies, can stay in her ports no more than twenty-four hours, unless compelled by tempest to remain longer; and the sales of such prizes are forbidden under severe penalties. But, notwithstanding the certainty of our right to forbid the sales of prizes in our ports, and notwithstanding the express legal command of the Chief Justice of the United States holding a Circuit Court in South Carolina, in May last, prohibiting the sale of a particular prize (the British ship *Amity*) at Charleston, the French agents sold the prize vessel, and the sale received the formal sanction of the French Consul. Yet even this affair has been made a subject of complaint by Mr. Adet, because the Collector of that port refused a clearance to the prize vessel thus sold in defiance of the authority of the United States; and because he also delayed, until, in a new case, he should get advice to permit the exportation of the cargo of the prize ship which on a survey had been reported to be irreparable.

Indeed the French Minister has discovered an aptitude to complain. I may cite as instances his letters of the 9th January and 3d of March 1796; the former because the colors of France, which he had presented to the United States, were not permanently fixed and displayed before Congress; the latter, because some printers of almanacs or other periodical publications in the United States, in arranging the names of the Foreign Ministers and Agents resident among us, had placed those of Great Britain before those of France and Spain. Mr. Adet desired my declaration in writing that the Government of the United States had no concern in printing the works in which the agents of the French Republic were registered after those of Great Britain, and that the works themselves might be suppressed. I gave him an answer in writing with my consent to his publishing it in the newspapers, agreeably to his request. The answer states, that in matters of this kind the Government did not and could not interfere. With regard to the colors, I must observe that, in what concerns our foreign relations, the President being the sole representative of the people of the United States, they were properly presented to him. He received them with all possible respect and directed them to be deposited with our national archives, that both might be preserved with equal care.

It remains to notice a summary of complaints exhibited by M. De la Croix, the French Minister for Foreign Affairs, to Mr. Monroe, our Minister at Paris, under the date of March 9th, 1796; to which the latter returned an answer, under the date of March 15th. These were inclosed in Mr. Monroe's letter of the 2d of May and received at the Department of State on the 19th of July. Copies of both papers and an extract of so much of his letter as relates to this subject are among the documents now collected.

First complaint—the inexecution of Treaties.

1st. The courts of justice have taken and still take cognizance of prizes brought by French privateers into the ports of the United States.

2d. English ships of war have been admitted into those ports, even in cases prohibited by the 17th article of the Treaty; that is, when they have made prizes on the French Republic or its citizens; and have also conducted thither their prizes.

3d. The Consular Convention has in two points become illusory—1st. For want of giving to the Consuls the means of having their decisions executed in all disputes between Frenchmen, of which the Consuls have the exclusive cognizance: 2d. Because the Judge charged with issuing warrants for apprehending French mariners who desert, require the original roll of the crew to be first produced: 3d. The arrest of the corvette *Le Cassius* and her captain.

Second complaint—The impunity of the outrage committed on the Republic in the person of its Minister, the Citizen Fauchet, by the English ship *Africa*, in concert with the vice-consul of that nation, within the waters of the United States.

Third complaint—"The Treaty concluded in

* Valin, vol. 8, p. 272.

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November 1794, between the United States and Great Britain."

Excepting the second complaint, relative to the attempt of the English ship *Africa* to seize Mr. Fauchet and his papers, and the 3d article under the first complaint relative to the Consular Convention, all the charges in this summary have been already examined, and we think proved to be unfounded.

As to the Consular Convention, many inconveniences would attend the giving to the Consuls a jurisdiction to the extent contended for on the part of the French Republic, to be exercised by French Consuls in the United States, and consequently by American Consuls in France. The inconveniences are manifestly so great as to require very explicit language in the convention of the two nations on this subject, to authorize the conclusion that such enlarged jurisdiction was intended. It would be to erect in foreign countries, complete courts of justice, with effectual process to compel the appearance of parties and witnesses, and to execute their decisions. And as the transactions in commerce and navigation could not in the nature of things be confined to the foreigners alone, the citizens of the country must often be necessary witnesses to those transactions, and of course rendered amenable to this foreign jurisdiction in their own country; whereas the jurisdiction demanded is only of French Consuls over French citizens in the United States, and reciprocally of American Consuls over the citizens of the United States in France. From these considerations a presumption would arise, that the jurisdiction contemplated in the Consular Convention was to be merely voluntary, but at the same time exclusive of the courts of the country. An examination of the convention we believe will support this and no other construction. The 12th article provides that all differences and suits between Frenchmen in the United States, and between citizens of the United States in France, and particularly all disputes between seamen and their captains, and between captains of different vessels of their nation, shall be determined by the respective Consuls, either by a reference to arbitrators, or by a summary judgment and without costs. "No officer of the country, civil or military shall interfere therein, or take any part whatever in the matter." This last clause alone would seem sufficient to repel the claim we are considering. Sheriffs, marshals, and their deputies cannot aid in the execution of consular decisions, because they are "officers of the country," expressly forbidden to "take any part in the matter." But was it meant that the laws should give Consuls the power to appoint such executive officers of their own nation? We find no such thing in the convention. On the contrary, in the case of deserters from vessels mentioned in the 9th article, whom the Consuls are authorized to cause to be arrested, they are expressly directed to apply in writing to the "courts, judges, and officers, competent," to make the arrests; meaning the courts, judges, and officers of the country where the Consuls reside. Besides, if

power could be given to Consuls to appoint officers to execute their decisions, these officers must of course have their fees of compensation, to be paid by one or other of the parties: but the 12th article declares that the consular judgments shall be "without costs." To these observations I subjoin the deliberate opinions of two respectable lawyers, Mr. Harrison of New York, and Mr. Bradford, the late Attorney General of the United States.

"I have considered the 12th article of the convention between his late most Christian Majesty and the United States of America, and also the act of Congress concerning Consuls and Vice-Consuls, as far as it prescribes the duty of Marshals of the United States, and it is my opinion that the Marshals are not bound by law to execute any sentence of a French Consul, arising under the said article.

RICHARD HARRISON,

U. S. Attorney for the N. Y. District.

"NEW YORK, 6th March, 1794."

"I have considered the convention and act above referred to, and I perfectly coincide in the opinion given by the Attorney of the United States for the district of New York.

WILLIAM BRADFORD.

"PHILADELPHIA, 14th March, 1794."

The other complaint under this head is, that the Judges who are charged (by an act of Congress) to issue warrants of arrests against deserters from French vessels have required the original ship's roll to prove that the men alleged to have deserted were a part of the crew; in contempt of the 5th article, which admits in the tribunals of both countries copies certified by the Consul.

If we look at the 9th article of the Consular Treaty we shall see that the Consuls who demand the arrests of deserters from vessels of their nation, must prove "by an exhibition of the registers of the vessel or ship's roll, that those men were a part of the crew." It is apparent that the original roll, and not a copy, is here referred to; nor indeed is the contrary pretended: but it is said that the 5th article admits certified consular copies as evidence in the courts of both nations. But the 5th article appears to have no relation to the subject of the 9th. It stipulates that "the Consuls respectively shall have the exclusive right of receiving in their chancery, or on board of vessels, the declarations and all other acts which the captains, masters, crews, passengers, and merchants of their nation may choose to make there, even their testaments and other disposals by last will: and the copies of the said acts, duly authenticated by the said Consuls, under the seal of their consulate, shall receive faith in law, equally as the originals would." The ship's roll (or shipping paper) of a vessel's crew is not an act to be done before the Consul, but the evidence of a private agreement between the captain of a vessel and his crew; and when he alleges that any of them have deserted, the 9th article requires this original evidence of the fact

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to be produced to the Judge as the ground on which he shall issue his warrant to arrest them. And this is the construction put on this article by the Judges; and, for aught I know, without any diversity of opinion. The difference alleged by Mr. Fauchet in one of his letters to the Secretary of State I have inquired into, and find he was under a mistake. And the mistake arose probably from this circumstance, that when from the information of the Consul there was danger that the deserter would wholly escape unless instantly apprehended, the Judge has issued his warrant to arrest and bring before him the alleged deserter, but when brought, that Judge has not committed the man, or delivered him to the Consul, unless the original roll was produced to prove him one of the ship's crew.

As to the outrage against Mr. Fauchet by the Africa man-of-war, in attempting to seize him and his papers within the jurisdiction of the United States, and Captain Home's insult on their authority, I do not know what measures more efficacious could have been taken by the Executive than those which were adopted, to obtain satisfaction. After waiting a reasonable time for explanations on the part of Captain Home, and of Mr. Moore the English Vice-Consul, and receiving none, the President revoked the Exequatur of the Vice-Consul, and desired the Governor of Rhode Island, where the Africa had been lying, to communicate to Captain Home the demand of the President—that he should immediately remove from a station within the jurisdiction of the United States where he had violated their rights; and further to make known to him, that in forty-eight hours after the requisition should be communicated to him all intercourse between the citizens of the United States and his ship would be forbidden.

It is very true that the Exequatur of the British Vice-Consul was withdrawn expressly for his knowingly transmitting to the Governor of Rhode Island a most insulting letter from Captain Home; because although he was on board the Africa when the attempt was made against Mr. Fauchet, the President had no evidence of his co-operation. The Minister of the United States in London, was directed to represent to that Court the conduct of Captain Home, and to demand his exemplary punishment. It was not to be expected that he would be judged unheard; and consequently much delay must have ensued. From her station on the coast of North America, the Africa went to the West Indies. Seeing some time since, by an article in the newspapers, that the Africa was returned to England, our Minister in London was reminded of this affair, that the demand of satisfaction might be renewed.

Although the subject of M. De la Croix's third and last complaint (the British Treaty) has been already discussed, allow me here to make a few remarks. He says "it will be easy to prove that the United States, in this Treaty, have knowingly and evidently sacrificed their connexions with the Republic, and the most essential and least contested prerogatives of neutrality." The re-

verse of what the Minister considers so easy to prove, we think has been demonstrated. Our legally binding connexions with France we always considered as being formed by our Treaties; and we may say with confidence that we have not "knowingly" violated these in a single article. If individuals have at any time infringed them, the Government has been sincere and diligent in its endeavors to redress the wrong. If the ties of affection, of warm enthusiastic friendship, have been weakened, the cause is to be sought for not in the acts of the American Government, which have been constantly directed to the preservation of our peace with all nations. These ties did not depend on Treaties. It was our friendship to France, contracted during our Revolution, and our partiality for the cause of liberty and self-government for which she engaged in her own, that made us endure numerous injuries almost without complaining. We were not willing to ascribe to the Republic, the outrages of her Ministers against the laws, the sovereignty, and the dignity of the United States, or the exceptionable style of their communications. Even when for such flagrant aggressions, often repeated, we desired the recall of one of her Ministers, it was done in the most soothing language; and in the meantime, lest the interest of the Republic should suffer, he was permitted to exercise his functions in all cases in which those interests could be affected. When his successor arrived he officially requested that the offending Minister might be apprehended, that he might be sent to France: but the Government, satisfied by his removal, declined the measure. Some irritations were experienced from that successor—what sensations have been produced by Mr. Adet's notes, your own feelings, on the perusal, will enable you to judge. If he intended to excite the general indignation of our citizens, he is not disappointed; but it is presumed this was not the object. After an exhibition of complaints in a style so exceptionable, he could add but one more improper act, that of publishing his notes in the newspapers: he had scarcely transmitted them to the Executive, before he forwarded them to the printer for publication.

From the foregoing statement, we trust it will appear, that there has been no attempt in the Government of the United States to violate our Treaty or weaken our engagements with France: that whatever resistance it has opposed to the measures of her agents, the maintenance of the laws and sovereignty of the United States, and their neutral obligations, have rendered indispensable. That it has never acquiesced in any acts violating our rights of interfering with the advantages stipulated to France, but, on the contrary, has opposed them by all the means in its power; that it has withheld no succors from France that it was compatible with the duties of neutrality to grant; that, as well by their independent political rights as by the express provisions of the Commercial Treaty with France, the United States were at full liberty to enter into Commercial Treaties with any other nation, and consequently with Great

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Britain; that no facts manifesting a partiality to that country have been, and I add that none such can be, produced.

Of the propriety and justness of these conclusions you will endeavor to satisfy the French Government; and, conscious of the rectitude of our own proceedings during the whole course of the present war, we cannot but entertain the most sanguine expectations that they will be satisfied. We even hope that this has been already accomplished, and that you will be saved from the pain of renewing a discussion which the Government has entered upon with regret. Your mission and instructions prove its solicitude to have prevented this necessity, and the sincerity of its present hopes that your endeavors, agreeably to those instructions, "to remove jealousies and obviate complaints, by showing that they are groundless; to restore confidence so unfortunately and injuriously impaired; to explain the relative interests of both countries, and the real sentiments of your own"—have been attended with success. And, as a consequence thereof, we rely on the repeal of the decrees and orders which expose our commerce to indefinite injuries—which militate with the obligations of Treaties, and our rights as a neutral nation.

I have the honor to be, with great respect, sir, your most obedient servant,

TIMOTHY PICKERING.

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FRENCH SPOILIATIONS.

Report of the SECRETARY OF STATE on the Memorial of sundry citizens of the United States residing in the city of Philadelphia, referred to him by order of the House on the 7th of May, 1796, and laid before the House of Representatives the 27th February, 1797.

The Secretary of State, in pursuance of an order of the House of Representatives of the 7th of May, one thousand seven hundred and ninety-six, on the memorial and petition of sundry citizens of the United States residing in the city of Philadelphia, relative to the losses they had sustained by the capture of their property by French armed vessels on the high seas, or in consequence of the forced or voluntary sales of their provisions and merchandise to the officers of the colonial administrations of the French Republic, having examined the same, together with accounts of similar losses sustained by American citizens from the French, in the European seas, or in the ports of France, which, in the details, were necessarily connected with the former—respectfully reports:

That, since the commencement of the present war, various and continual complaints have been made by citizens of the United States to the Department of State, and to the Ministers of the United States in France, of injuries done to their commerce under the authority of the French Republic and by its agents. The injuries were—

1. Spoliations and maltreatment of their vessels at sea by French ships of war and privateers;

2. A distressing and long-continued embargo laid upon their vessels at Bordeaux, in the years one thousand seven hundred and ninety-three and one thousand seven hundred and ninety-four;

3. The non-payment of bills and other evidences of debts due, drawn by the colonial administration in the West Indies;

4. The seizure or forced sales of the cargoes of their vessels, and the appropriating of them to public use, without paying for them, or paying inadequately, or delaying payment for a great length of time;

5. The non-performance of contracts made by the agents of Government for supplies;

6. The condemnation of their vessels and cargoes under such of the marine ordinances of France as are incompatible with the Treaties subsisting between the two countries; and—

7. The captures sanctioned by a decree of the National Convention of the ninth of May, one thousand seven hundred and ninety-three, (hereto annexed, and marked A,) which, in violation of the Treaty of Amity and Commerce, declared enemy's goods on board of their vessels lawful prize, and directed the French ships of war and privateers to bring into port neutral vessels laden with provisions, and bound to an enemy's port. It may be proper to remark here, that this decree of the Convention directing the capture of neutral vessels laden with provisions, and destined for enemy's ports, preceded, by one month, the order of the British Government for capturing "all vessels laden with corn, flour, or meal, bound to any port in France, or any port occupied by the armies of France."

Such was the general nature of the claims of the citizens of the United States upon the French Republic, previous to the departure of Mr. Monroe as a Minister Plenipotentiary to France, in the Summer of 1794, and since his residence there. To him were entrusted the documents which had been collected to substantiate particular complaints; and he was instructed to press the French Government to ascertain and pay what might be found justly due. From time to time, as additional cases arose, they were transmitted to him, with the like view. In September of that year, he assigned to his Secretary, Mr. Skipwith, (with the provisional appointment of Consul for Paris,) the charge of stating the cases, and placing them in the proper train of settlement—reserving to himself the duty of fixing general principles with the Government, and of patronising and superintending his proceedings.

In conformity with the direction of the Minister, Mr. Skipwith shortly afterwards made a general report on the injuries and difficulties and vexations to which the commerce of the United States was subjected by the regulations and restraints of the French Government, or by the abuses practised by its agents—to which he added a number of particular cases. A copy of the whole (marked B) is hereto annexed. This report was laid before the French Government, and, added to the various representations of Mr. Monroe and his predecessor, it produced a decree of the joint committees

French Spoliations.

of Public Safety, Finance, Commerce, and Supplies, dated the 15th November, one thousand seven hundred and ninety-four, a copy of which (marked C) is annexed. This decree, apparently calculated to remedy many of the evils complained of, afforded but a very partial—in respect to compensations, a comparatively small—relief; while it continued in force the principle of the decree of the ninth of May, one thousand seven hundred and ninety-three, which rendered liable to seizure and confiscation the goods of enemies found on board neutral vessels. American vessels had been declared exempt from that part of the decree of the ninth of May, which authorized the seizing of vessels going to an enemy's port with provisions, by the decree of the National Convention of the twenty-seventh of July, one thousand seven hundred and ninety-three.

On the appearance of the decree of the ninth of May, the American Minister at Paris remonstrated against it, as a violation of the Treaty of Commerce between France and the United States. In consequence thereof, the Convention, by a decree of the 23d of the same month, declare, "That the vessels of the United States are not comprised in the regulations of the decree of the 9th of May." M. le Brun, the Minister for Foreign Affairs, on the 26th of May, communicated this second decree to our Minister, accompanying it with these words: "You will there find a new confirmation of the principles from which the French people will never depart, with regard to their good friends and allies the United States of America." Yet two days only had elapsed before those principles were departed from; on the 28th of May the Convention repealed their decree of the 23d. The owners of a French privateer that had captured a very rich American ship (the *Laurens*) found means to effect the repeal, to enable them to keep hold on their prize. They had even the apparent hardness to say, beforehand, that the decree of the 23d would be repealed.

The American Minister again complained. So on the 1st of July the Convention passed a 4th decree, again declaring "that the vessels of the United States are not comprised in the regulations of the decree of the 9th of May; conformably to the 16th [it should be the 23d] article of the Treaty concluded the 6th of February, 1778." The new Minister for Foreign Affairs, M. Desforgues, accompanies this new decree of July 1st, with the following expression: "I am very happy in being able to give you this new proof of the fraternal sentiments of the French people for their allies, and of their determination to maintain to the utmost of their power the Treaties subsisting between the two Republics." Yet this decree proved as unstable as the former. On the 27th of July it was repealed.

The next decree on this subject was that of the joint committees of the 15th of November, 1794, already mentioned. Then followed the decree of the Committee of Public Safety, of the 4th of January, 1795, (14th Nivose, 3d year,) repealing the 5th article in the decree of the 15th November, preceding, and in effect the articles in the original

decree of the 9th of May, 1793, by which the Treaty with the United States had been infringed. It is not necessary for the Secretary to add that the decree of the 4th of January, 1795, has been repealed by the decree of the Executive Directory of the 2d of July, 1796; under color of which are committed the shocking depredations on the commerce of the United States, which are daily exhibited in the newspapers. The agents of the Executive Directory to the Leeward islands, (Leblanc, Santhonax, and Raimond,) on the 27th of November, 1796, passed a decree (marked C C) for capturing all American vessels bound to or from British ports. The Secretary presumes this is not an arbitrary unauthorized act of their own, but that it is conformable to the intentions of the Executive Directory; the privateers of the French Republic in Europe having captured some American vessels on the same pretence; and the consul of the Republic at Cadiz, having explicitly avowed his determination to condemn American vessels on that ground, pleading the decree of the Directory for his authority.

The Secretary has already intimated, that the decree of the 15th of November, 1794, was not followed by the extensively good effects expected from it. By a communication from Mr. Skipwith, of the 10th of last September, (the latest communication from him in answer to the Secretary's request for information,) it appears that the claims for detention of 103 American vessels by the embargo at Bordeaux remained undetermined; no funds having been appropriated by the Legislature for payment of them; and that none of the bills drawn by the colonial administrations in the West Indies had been paid to him; the Treasury having tendered payment in assignats at their nominal value, and afterwards in another species of paper called mandats, which had suffered a great depreciation, even before they were put into circulation; both which modes of payment were refused to be accepted. The progress made by Mr. Skipwith, in the adjustment of other claims, so far as known to the Secretary, will appear in the annexed printed statement, (marked D,) copies of which were transmitted ten months ago to the offices of the principal collectors of the customs, from the Department of State, for the information of our mercantile citizens.

That nothing might be left undone which could be accomplished by the Executive, the attention of General Pinckney, the present Minister of the United States to France, was particularly directed to the subject of these claims; but the interval which has elapsed since his departure, has not admitted of any interesting communication from him on this subject.

In connexion with other spoliations by French armed vessels, the Secretary intended to mention those committed under a decree dated the first of August, 1796, issued by Victor Hugues and Lebas, the special agents of the Executive Directory, to the Windward islands, declaring all vessels loaded with contraband articles of any kind, liable to seizure and confiscation, with their entire cargoes; without making any discrimination in

French Spoliations.

favor of those which might be bound to neutral, or even to French ports. This decree has been enforced against the American trade, without any regard to the established forms of legal proceedings, as will appear from the annexed deposition (marked E) of Josiah Hempstead, master of the brigantine Patty, of Weathersfield. A copy of the decree (marked F) is also annexed.

The Secretary has also received a printed copy of another decree of the same special agents to the Windward islands, dated the 13th of Pluviose, fifth year, answering to February the 1st, 1797, authorizing the capture of all neutral vessels destined to any of the Windward or Leeward islands in America, which have been delivered up to the English, and occupied or defended by emigrants, naming Martinique, Saint Lucia, Tobago, Demerara, Berbice, and Essequibo; and to leeward, Port-au-Prince, L'Archaye, and Jeremie; declaring such vessels and their cargoes to be good prize; as well as all vessels cleared out vaguely for the West Indies. A copy of this last decree will be added to this report as soon as it shall be translated. All which is respectfully submitted.

TIMOTHY PICKERING.

DEPARTMENT OF STATE, Feb. 27, 1797.

A.

[TRANSLATION.]

Copy of a decree of the National Convention, of the 9th of May, 1793, 2d year of the French Republic.

The National Convention, after having heard the report of its Committee of Marine, considering that the flag of neutral Powers is not respected by the enemies of France; that two cargoes of flour having arrived at Falmouth in Anglo-American vessels, and been bought before the war for the service of the French marine, have been detained in England by the Government, which would not pay for it but at a price below what it had been sold for; that a vessel of Papembourg, called the Therisia, commanded by Captain Hendrick Koh, loaded with various effects belonging to Frenchmen, was carried into Dover, the 2d of last March, by an English cutter; that a privateer of the same nation carried into the same port of Dover, on the 18th of the same month, the Danish ship Mercury Christianland, Captain Treuchen, which had sailed from Dunkirk on the 17th, with a cargo of wheat for Bordeaux; that the ship John, Captain Shekley, loaded with about six thousand quintals of American wheat, in going from Falmouth to St. Malo, was stopped by a frigate, and carried to Guernsey, where the agents of Government have simply promised to pay the value of the cargo, although it was not on French account; that 101 French passengers, of different professions, embarked at Cadiz, by order of the Spanish Minister, on board the Genoese ship Providence, Captain Ambrose Briasco, to be carried to Bayonne, were shamefully pillaged by the crew of an English privateer; that various reports, which are successively made by the seaport towns of the

Republic, announce that the same acts of inhumanity and injustice are multiplied and repeated with impunity every day along the whole sea coast:

That, under such circumstances, all the Laws of Nations being violated, it is not permissible that the French people should fulfil towards all the neutral Powers in general, the vow they have so repeatedly manifested and constantly make, for the full and entire liberty of commerce and navigation, decrees as follows:

ARTICLE 1. The French ships of war and privateers may stop and bring into the ports of the Republic, such neutral vessels as are loaded in whole or in part, either with provisions belonging to neutrals, and destined for enemy's ports, or with merchandise belonging to enemies.

ART. 2. Merchandise belonging to enemies shall be declared good prize, and confiscated for the benefit of the captors; the provisions belonging to neutrals, and loaded for enemy's ports, shall be paid for, according to their value in the place for which they were destined.

ART. 3. In all cases, neutral vessels shall be released when the unloading of the provisions which are stopped, or the merchandise which are seized is completed; the freight for them shall be paid at the rate stipulated by the persons who shipped them. A just indemnity shall be made in proportion to their detention by the tribunals who have cognizance of the validity of the prizes.

ART. 4. Those tribunals shall be bound, also, to transmit, three days after their sentence, a duplicate of the inventory of the said provisions or merchandise to the Minister of Marine, and another duplicate to the Minister for Foreign Affairs.

ART. 5. The present law, applicable to all the prizes which have been made since the declaration of war, shall cease to have effect after the enemy Powers shall declare free and not liable to seizure, although destined for the ports of the Republic, provisions which may be neutral property, and merchandise loaded in neutral ships, which belongs to the French Government or to French citizens.

B.

PARIS, Vendemiaire,
3d year, (October, 1794.)

To James Monroe, Minister Plenipotentiary of the United States of America at Paris.

SIR: At your request I now lay before you a statement of the innumerable embarrassments and difficulties which our commerce has, for a long time, and continues still to labor under, in the different ports of the French Republic. It is evident if their Government does not soon remedy the incessant abuses and vexations practised daily upon our merchants, vessels, captains, and crews, the trade of the United States with France must cease. I cannot give you an ample detail of all the inconveniences and oppressions which have been thrown upon our commerce; many of the consuls and their agents, to whom

French Spoliations.

you have written to forward such documents to my office, having not yet done it; besides, it would take volumes to expose them at full length.

From the communication, however, already received from the different ports, and from the information I have collected from the captains present, I can assure you that there are near 300 sail of American vessels now in the ports of France; all of whom have suffered or are suffering more or less delay and difficulties, of which the examples annexed will afford you a general view. The hardships of which I have chiefly to complain, and out of which there grow incalculable evils, may be developed under four general heads.

1st. The capture, indiscriminately, of our vessels at sea, by the vessels of war of the Republic.

2d. The impossibility of Americans selling their cargoes and receiving payment at the ports to which they are conducted, or of their own accord arrive.

3d. The difficulties and procrastination which they find in their transactions with the boards of Marine and Commerce.

4th. The non-compliance or, heretofore, delay in fulfilling the contracts made by the agents of the French Republic in America, for supplies of provisions.

The seizure of our vessels at sea often gives rise to the most serious and well-founded complaints. The stripping them of their officers and crews, who are generally replaced by boys and inexperienced hands, in order to be conducted to ports, exposes them to much injury, and sometimes total loss. The confinement of our sailors, taken out of those vessels; the seals upon their cargoes; and, above all, the sending their papers to the Commission of Marine at Paris, involves the most unwarrantable hardships and delays; and I am sorry to add, that all our vessels experience some of these difficulties; and, indeed, such as arrive with cargoes on account of the Republic; months elapsing before the captains can get their clearances and papers, many of which are often lost or mislaid.

As to the second head, the agents of the Commissions of Commerce at the different ports having no power to treat directly for cargoes, it follows that they must write to the Commission at Paris for orders; and, after one or two months' fruitless correspondence, it often happens that the captains are obliged to come up to Paris, where, being ignorant of forms and language, they have to encounter a thousand difficulties.

It would be too tedious to mention all the inconveniences resulting from the third general complaint. In the first place, the delays at the Commission of Marine are incredible. The captains whose vessels are brought into ports by the armed vessels of the Republic, cannot withdraw their papers from the hands of the Marine Agents, but are forced to Paris, to solicit time after time, of the Marine, a report upon them to the Committee of Public Safety. The cruel delays attending this will be illustrated in the examples annexed. The report being made, before it can

reach the latter body, it must have the signature of the commissaries, and go through other formalities; and when it receives the sanction of the Committee of Safety, has to travel nearly the same road back. Judge, sir, of the tedious delay attending this. Indeed you will see cases where the poor captains have been many months in arriving at the above point; and I myself, after having pressed several reclamations for weeks past, have not yet been able to bring one to that issue.

To sell to the Commission of Commerce is still more difficult. When a bargain is concluded with them, an order is issued to the keepers of the public magazines to receive the cargo sold, who often pretend that there is no room to receive it, and frequently they keep the captains waiting weeks before their whim or convenience will induce them to receive it. This point gained, application must then be made at Paris, to the Commission of Commerce, for payment, who refer the captain to their board of agency; they make a report to the Comptabilité of the same Commission; from thence it must go to the Committee of Finance, then to the Committee of Public Safety, from whence it returns to the Comptabilité. This labyrinth of perplexity, of course, throws the captain into the hands of an agent, who preys upon his distress; and, when all these forms are fulfilled, it is not always that the captain can immediately touch his money. If, in the first instance, the Commission will not purchase his cargo on the terms he asks, they tell him he may depart; but, on returning to his vessel, is most commonly prevented from sailing by the agents at the port. If it is mutually agreed that merchandise shall be taken in exchange, the difficulties become greater. If assigns, with permission to export wines and brandy, the captain finds himself taken in; for the Commission will put those very articles in requisition. If the Commission tells the captain that they do not want his cargo, and that he may sell to individuals, he finds that he cannot export the proceeds unless he gives a security that he will import afterwards into the Republic the same amount in articles of the first necessity, such as provisions, &c. If the captain is so unfortunate as to have to treat with the agents of the Commission, he is certain to feel their imposition; they frequently refuse to confirm their own agreements. In short, after every sort of delay and vexation, should the captain claim an indemnity, he has to wade through double the difficulties heretofore stated, and perhaps after all to leave his business incomplete in the hands of an agent.

The fourth and last general complaint is of a delicate and important import. Mr. Fauchet, the French Minister, has made considerable purchases of provisions in America for account and in the name of the French Republic; one house has engaged to furnish 20,000 barrels of flour. Thirteen vessels loaded with these provisions have already arrived; and in vain have I demanded of the Commission of Commerce their answer respecting the payment of those contracts; except that, in the commencement, they assured me the Committee of Finance had ordered the

The Mint.

payment of three cargoes at Bordeaux; but to my surprise, two days after, I found that no report had been made by the commission of that committee.

You having judged, sir, the commerce of this country being immediately under the control of one branch of the Administration of its Government, that it was necessary to adopt some corresponding measures in order to protect the rights and interests of our citizens, and for that purpose having provisionally named me to the place of Consul, I have accepted it, as well to answer your views, as in the hope of rendering some good to both Republics.

Before I conclude, permit me to observe, that it is of indispensable importance to obtain some mode of having the claims of our citizens adjusted, for supplies furnished to the Colonies of the French Republic, and likewise the numerous claims in consequence of the late embargo at Bordeaux. I am authorized by many of the claimants to adjust them; and have many of the documents in hand, but wish for further instructions from you.

I would offer to your view a statement of the immense sums already paid by this Republic, and to be paid as indemnities for the extraordinary and useless delays of our vessels: but the Consuls and agents have not yet furnished me with the requisite documents; it is however a fact, that not a single vessel arrives from America, and departs, without having some such reclamation to make. I am persuaded that many millions are absorbed in this manner.

It is with regret, sir, that I find myself obliged—the duties of my station requiring it—to present to your view so many complaints of so serious a nature, as, in my opinion, calls for your earliest attention; but in doing this, I do not forget—and it will ever be my effort to cultivate as much as possible—a good understanding between the citizens of our country and those of France.

With respect, I remain, sir, your most humble servant,

FULWAR SKIPWITH.

The Hon. Col. MONROE.

[Here follows the names of some of the American vessels captured by the armed vessels of the French Republic, and carried into the various ports of the Republic.]

THE MINT.

DEPARTMENT OF STATE,
December, 19, 1796.

SIR: By the direction of the President of the United States, I have the honor to enclose a report of the Director of the Mint, suggesting the expediency of some alterations in its establishment, to render it less expensive to the public, and more accommodating to depositors. The report is accompanied with statements of the

gold, silver, and copper coins, issued from the Mint from its commencement to the 24th of the last month, accounts of the gold and silver bullion which has been deposited, and an account of wastage, and a deficit in the silver coinage, which require an appropriation of two thousand eight hundred and twenty dollars and seventy-one cents, to reimburse depositors.

I am, with great respect, sir, your most obedient servant,

TIMOTHY PICKERING.

The SPEAKER of the House of
Representatives of the United States.

MINT OF THE UNITED STATES,
November 29, 1796.

SIR: I have the honor of enclosing, for the President of the United States, my annual report on the state of the Mint, with the abstracts referred to therein.

With sentiments of esteem and respect, I remain, sir, your most obedient and very humble servant,

ELIAS BOUDINOT.

To the SECRETARY OF STATE.

The Director of the Mint of the United States respectfully reports to the President of the United States on the state of the Mint—

That, during the experience of twelve months, he has turned his attention (as far as has been in his power) to the institution under his care. He has seen with regret an opinion generally prevailing, that the establishment is unnecessarily expensive, and less productive than was rationally expected by its advocates and friends.

The Director, finding some foundation for the charge, has endeavored to discover the cause, as nothing appears in the general nature of the institution to warrant the idea.

The issue of the inquiry is, that the extraordinary expenses attending the Mint are in a great measure owing to its original plan, and the principles on which it was established. Among others, the whole coinage, including the refinement of the precious metals, was directed by law to be executed at the public expense, the depositor being fully indemnified from all charges whatever. On this principle, not only the original cost of the works, and the salaries of the stated officers, fall on the public, but also the whole amount of the workmanship, with the alloy, wastage, and contingent losses.

The want of experimental knowledge in the business, at the first establishment of the Mint, prevented any tolerable precise estimate of the expenses necessarily attending the process; but soon after the commencement of the business it was found impracticable to proceed with propriety, unless an addition was made to the establishment by the appointment of a Melter and Refiner.

This important and necessary officer is not

The Mint.

known in foreign Mints, as the precious metals are there generally deposited of the proper standard, or above it; or they are purchased by the Mint, and become public property; there being professional refiners independent of the Mint, whose business it is to purify metals under standard, but there being no such artists in this city who follow the business, it became indispensably necessary to execute this service in the Mint.

This circumstance was not foreseen, or, if foreseen, was considered as included in the duties of the Assayer; but the necessity of so essential a check on that officer forbade this measure, had it been otherwise practicable. This added considerably to the annual expenses of the Mint.

Formerly the Director could not make any charge for this process against depositors; the whole expense, therefore, fell on the public. Thus on assaying one deposit of about 96,000 ounces of silver bullion, it turned out near 24,000 ounces under standard; to refine which it cost the United States upwards of £500, so that the depositor really gained that sum by bringing his bullion to the Mint. This operated very unequally among depositors. The citizen who brought bullion in this debased state to the Mint received as much coin for the standard silver therein as he whose bullion was previously refined equal to the standard, and ready for coining at a very trifling expense.

Again: the institution of the Mint, without any appropriation of capital, either to purchase the precious metals in bullion, anticipate payments due on deposits, or to coin for the public, has been another cause of very considerable expense. Depending upon depositors alone for the precious metals, it became necessary, for their encouragement and satisfaction, to coin every deposit as soon as possible after it came into the treasury of the Mint, to prevent its remaining unproductive to the depositor, by which means the clippings and grains were obliged to be melted and coined as they arose, often three or four times for one deposit.

Thus the melting, refining, and coining a deposit of 200 ounces of silver or 20 ounces of gold would cost the public nearly as much as 1,000 ounces of either; and a much greater proportional wastage; whereas, could the bullion be purchased for the public at the market price, and kept in the vaults till a large quantity might be coined at once, or a capital of about ten thousand dollars be allowed to the Mint, so as to anticipate the payments to depositors without being obliged to an immediate coinage on every occasion, a very great public saving would take place, not only as to the wastage, but in the expenditure of the materials and labor used in the process, and no injury done to the United States, but in the loan of the money for a short time. In a word, the difference would be much the same as between the wholesale merchant and the huckster.

This measure would also have a tendency to fix the price of bullion, and indemnify the public for some part of the expense of coinage. The only question that would arise is, whether on the

principle of political economy it would be a prudent measure on the part of Government? Suppose the expenses of coinage, including wastage, to be fixed at three per centum to the depositor, while in foreign countries it costs nothing. The consequence would be, that bullion in America might vary its price three per cent., according to the balance of trade; while bullion in those countries must be supposed invariable in its price, let the balance of trade stand as it will. Bullion, then, in those countries will always be at the highest price it can ever be at in America, since it is the price of coin; but in America it may be three per cent. lower. If, therefore, the United States, by coining free of all expense, contribute to keep the price of bullion higher than it is in countries where the coinage is paid for, a voluntary expense is created, of which there can be no just reason to complain.

A representation of some of these difficulties, with the dangerous situation of the Mint, for want of protecting laws to secure the instruments of coinage, the metals, and the coin, as also to prevent counterfeits, has been heretofore made by the officers of the Mint with but little other success than a resolution of Congress enabling the Director to retain the expense of refining the precious metals under standard; but the wastage, alloy, and coinage, are still dead charges on the public Treasury.

While, therefore, this policy, on the whole, is considered as beneficial to the United States, the complaints against the Mint for its heavy expenses to the public are without solid foundation, as it is impossible to carry on an institution of this nature under these circumstances, and which requires from fifteen to twenty workmen and laborers to attend it, without great expense. Add to this, that the alloy of silver and copper, with the loss by necessary wastage, must unavoidably rise to a considerable annual amount.

But notwithstanding these and other difficulties attending an infant institution, especially the late great advance in the prices of materials and labor, the aggregate expenses of the Mint are greatly reduced, either from the superior knowledge of the persons employed, gained by experience, or from new arrangements found to be more advantageous than those made on the spur of the occasion. This will appear more evident by a review of the progressive reduction of the contingent expenses in the quarterly accounts rendered into the Treasury Department, and it is hoped there will be a further progress in this desirable economy.

When the present Director entered upon the administration of the Mint, there was no appropriation of money for the purchase of copper for the coinage of cents. This he clearly foresaw would prove a source of further expense, by often leaving the workmen without employ. He made application to Congress, by their committee, on the subject; but all that was obtained was thirteen thousand dollars, which was coined into cents, and returned into the public Treasury, or remitted for the purchase of copper, before the rising of Congress the last Spring. No further

Receipts and Expenditures.

appropriation was made, till it was too late to procure the necessary importation of copper for the Summer's coinage; whereby much time has been lost, and some considerable expense of workmen has been added to the Summer's account.

It is now hoped, from the present arrangement, no such inconvenience will arise hereafter, but a continual and ample supply of copper coinage be produced adequate to the public wants.

As the laws relative to the Mint now stand, the officers are obliged to pay to each depositor the coins arising from his deposit, in strict order, and to reserve three pieces of coin from each mass; yet no appropriation has been made to replace the reserves, or to make good the wastage; it is, therefore, impossible for the officers of the Mint to comply with the law; and the depositors complain of being kept out of their property till provision is made by Congress for their relief.

By a number of new half johannes brought to the Mint for assaying, said to have been coined in the United States, it appears that a coinage for that purpose is carried on in some State in the Union. Some of these are found to be under standard in their quality, and between two and three penny-weights less than their true weight. These are facts which the Director thinks it his duty to communicate to the President.

From the various experiments made since the establishment of the Mint, it is found unnecessary to make use of silver in alloying of gold, unless it is for the purpose of beautifying the coin; in which case it should be composed at the proportion of one-third silver to two-thirds copper.

By the following abstract of the bullion and coin received and issued from the Mint, since its first establishment, may be seen, as well the nature of the deposits made, as the coins returned to the Treasury, and the dates of the receipts and issues to this day, with the amount of the copper coinage.

From this it appears that there is due for wastage, during that period, the quantity of fifteen hundred and ninety-nine ounces sixteen penny-weights and fifteen grains of silver, equal to eighteen hundred and forty-five dollars ninety-five cents and five mills; besides a deficit of eight hundred and forty-four ounces seventeen penny-weights and five grains of silver, equal to nine hundred and seventy-four dollars seventy-five cents and five mills—making, in the whole, two thousand eight hundred and twenty dollars and seventy-one cents; for which an appropriation ought to be made by law, to satisfy a deficient deposit.

The Director thinks it necessary to mention, in exculpation of the former officers of the Mint, that by a report made on this subject, it appears that there is yet a considerable quantity of old pots and test bottoms, from which it is expected that nearly the amount of the deficient silver, as stated above, will be extracted.

ELIAS BOUDINOT.

MINT OF THE UNITED STATES,
November 29, 1796.

RECEIPTS AND EXPENDITURES.

Account of receipts and expenditures of the United States, commencing on the 1st day of October, 1795, and ending on the 30th September, 1796.

Dr.

For amount of expenditures during said period under the following heads, viz :

Civil Department	-	-	\$ 438,217 67
Military Department	-	-	1,263,275 69
Diplomatic Department	-	-	69,388 89
Miscellaneous expenses	-	-	29,445 03
Contingent charges of Government	-	-	13,518 97
Support and erection of light-houses	-	-	39,927 81
Interest on Domestic Loans	-	-	324,500 00
Trade with the Indians	-	-	50,000 00
Naval Department	-	-	310,906 07
Fortifications of ports and harbors	-	-	40,788 70
Military Pensions	-	-	97,367 45
Annuities and grants	-	-	2,652 21
Interest on Domestic Debt, &c.	-	-	2,808,200 24
Mint Establishment	-	-	46,330 19
Dutch debt	-	-	991,649 47
French debt	-	-	181,500 00
Debt due to foreign officers	-	-	19,149 98
Payment for unclaimed merchandise	-	-	50 78
Protection of American seamen	-	-	5,000 00

Temporary Domestic Loans, viz :

1796, August 18. On account of the loan of \$523,500, obtained of the Bank of the United States the 25th May, 1792	-	-	120,000 00
Appropriation for carrying into effect the Treaty between the United States and the King of Spain	-	-	4,030 00
Appropriation for carrying into effect the Treaty between the United States and the King of Great Britain	-	-	7,555 54
Appropriation for carrying into effect the Treaty between the United States and certain hostile Indian tribes northwest of the river Ohio	-	-	9,500 00
Balance in the Treasurer's hands on the 30th September, 1796, 1,045,212 13	-	-	
From which deduct warrants remaining unpaid on that day, which are charged as expenditures in this statement	-	-	6,918 62

The balance subject to warrants on the 1st October, 1796, therefore was	-	-	1,038,293 51
	-	-	<u>7,911,248 20</u>

Cr.

By balance in the hands of the Treasurer, on the 30th September, 1795,
447,271 91

Deduct warrants drawn on him previous to the 1st of October, 1795, which remained unpaid that day - - 77,445 62

Balance subject to warrant on the 1st October, 1795	-	-	\$369,826 29
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Naval Equipments.

Moneys received into the Treasury
as follow :

For duties on merchandise and tonnage in the quarter ending 31st Decem- ber, 1795	- 1,354,915 00
31st March, 1796	- 1,177,882 13
30th June	- 1,680,128 25
30th September	- 1,923,011 26

6,135,936 64

For duties on spirits distilled in the United States, and on stills; on sales at auction; on licences for selling wines and spirituous liquors by retail; on carriages for the conveyance of persons; on refined sugar, and on snuff and snuff mills, in the quarter ending 31st December, 1795 - - 127,329 18
31st March, 1796 - 119,458 75
30th June, 1796 - 97,151 95
30th Sept., 1796 - 125,729 43

469,579 31

For postage of letters in the quarter	
ending 31st Dec., 1795	— — — — —
30th March, 1796	- 18,760 27
30th June, 1796	- 12,149 57
30th Sept., 1796	- 28,000 00

58,909 84

For dividends on capital stock in the		
Bank of the United States, due the		
31st Dec., 1795	-	80,000
30th June, 1796	-	80,000

160,000 00

For fees on letters patent, in the quarter ending the 31st Dec., 1795	90
31st March, 1796	- 360
30th June, 1796	- 330
30th Sept., 1796	- 480

1,260 00

Domestic Loans.

In the quarter ending the 31st December, 1795, on account of the loan of of \$500,000 per act of 3d March, 1795 - - - 500,000

In the quarter ending the 30th September, 1796, on ac- count of the loan of \$320,- 000, per act of 31st of May	-	-	-	120,000
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620,000 00

*Balances due the United States under
the late Government.*

In the quarter ending 31st December, 1795.—From James Lovell, receiver of Continental taxes for the State of Massachusetts: balance due by him - - - 1,766 04

In the quarter ending 31st March, 1796.—From Edward Carrington, late Deputy Quartermaster General, for public property sold - - - 375 00

In the quarter ending 30th June, 1796.—From Rufus King, on account of

balance due by John Alsop and others 2,500 49

Edward Carrington, late Deputy Quartermaster General, for public property sold	- 629 34	<u>3,500 49</u>
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In the quarter ending 30th September, 1796.—From the trustees in behalf of the creditors of Thomas Huggins, deceased, late Commissary of Purchases in the State of Maryland 1,178 25

6,819 78

Repayments.

In the quarter ending the 30th June, 1796.—From Samuel A. Otis, balance of moneys advanced him for paying the compensations due to the Senators of the United States 4.088 55

In the quarter ending 30th September, 1796.—From John Jay, late Envoy to the Court of Great Britain, balance due by him	496 09
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4,584 64

Cents and Half cents coined at the Mint.

In the quarter ending 31st March,	
1796. -	- 3,058 00
30th June -	- 2,923 70
30th September	- 300 00

6,281 70

*Funds arising from six per cent.
stock loaned and purchased from
the Bank of the United States.*

In the quarter ending 31st December,		
1795	-	- 51,300
30th June, 1796	-	- 26,750

78,050 00

7,911,248 20

JOSEPH NOURSE, *Register*.

TREASURY DEPARTMENT,
Register's Office, 29th Nov., 1796.

NAVAL EQUIPMENTS.

The following is a statement received from the Secretary of War, of the present situation and appropriations necessary to complete and man the three frigates now building; with the report of the committee thereon.

WAR OFFICE, *January 11, 1797.*

SIR: In compliance with your letter of the 21st ultimo, I have the honor to submit the enclosed statements, which exhibit as particular a view of the material objects of your inquiries, as could be obtained, without occa-

Naval Equipments.

sioning a delay that might have counteracted your intentions.

The measures that have been taken to prepare the rigging and sails, and to procure the necessary stores, and the advances made towards the final equipment of the frigates, render it probable that they may be got ready for sea in about two months after being launched.

While on this subject, permit me to observe, that, if Congress perceive advantages in the extension of their marine, or think it expedient that early precautions should be taken to secure to the United States a lasting fund of live-oak for future use, it will be proper that authority should be given for the purpose, as well as to purchase a site for a navy-yard.

The probability is, that an article so important to marine nations as live-oak will be sought after with much avidity, and that the land which is clothed with it may pass into hands that may make its attainment hereafter more expensive, if not impracticable.

But, whether it is right that the United States should be the purchaser of such land, is a question which, no doubt, you have examined.

I am, sir, with great respect, your obedient servant,
JAMES MCHENRY.

Hon. Mr. PARKER, *Chairman of the Committee for inquiring into the state of naval equipments, &c., &c.*

Statement of the progress made in building a Frigate at Philadelphia, to carry forty-four guns.

The hull is all planked inside and out, and all the principal decks are laid and caulked, excepting a part of the gun-deck; the upper-deck beams are in and a part of them kneed; about half of the bottom is dubbed off, and a considerable part caulked; the braces and pintles for the rother are all cast; the knee of the head, together with the figure, are nearly ready. All other parts of the hull is in such forwardness, that it is expected she may be launched by the beginning of April next, provided the winter does not prove severe. The rigging is all made and nearly fitted; the yarns for the cables are spun; the anchors and iron ballast on hand; and the blocks, deadeyes, water-casks, boats, lanterns, and all the tin work, are provided. The other materials are in part procured, and the work in general progresses rapidly towards completion.

Statement of the progress made in building a Frigate at Boston, to carry forty-four guns

The whole of the frame is raised, and is ready for planking; the wales are prepared, and it is expected will be on and fastened this month; the keelsons are in their places, and bolted off. The masts are now in hand, and the boats are building; all the deadeyes for lower and topmast shrouds are made and strapped. The knees for all the decks are procured, as well as the beams, carling, ledges, &c. Iron ballast sufficient is in store, and the necessary materials for completing the hull are procured and received.

The hemp for the cables, rigging, &c., and blocks, are in the hands of the respective tradesmen, manufacturing, and if the winter should prove favorable, there is no doubt but this frigate may be launched in July next.

Statement of the progress made in building a Frigate at Baltimore, to carry thirty-six guns.

The whole of the frame is raised; the wales, black strakes, flush, quarter, and fore drifts, on and dressed off.

The ceiling, clamps for gun, lower and orlop decks, are all in and dubbed off. The beams are prepared and ready to be put into their respective stations. The bottom is now planking, and the knees are getting ready for the decks; other parts of the hull are progressing as fast as the workmen can be employed to advantage; and, from the present appearances, this ship may be launched in May next. The lower topmast and top-gallant shrouds, with all their respective stays, are fitted and ready to go over the mast-heads. The other rigging is also in great forwardness.

The boats are all built, water casks mostly made, together with the blocks, deadeyes, hearts, &c. The cannon for the gun-deck are all in the navy-yard, trimmed, and are ready for mounting on the carriages, which are made.

Estimate of the sums necessary to complete and equip the frigates United States and Constitution, of forty-four guns, and Constellation, of thirty-six guns.

To complete the frigate building at Philadelphia	\$55,950 00
To complete the frigate building at Boston	96,571 71
To complete the frigate building at Baltimore	47,375 00
	199,896 71

Salaries of two persons to have charge of the timber in the navy-yards at New York and Norfolk	1,000 00
Rent of navy-yards at New York and Portsmouth, (New Hampshire)	1,200 00
	202,096 71
Balance of appropriation unexpended	24,133 78

To be provided for, to complete and equip the above frigates, &c.	\$177,962 93
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An Estimate of the expense for pay and subsistence of the Captains and Crews of two forty-four gun, and one thirty-six gun frigates.

Pay of the officers, seamen, and marines of two frigates, of forty-four guns each.

	Per mo.	12 mo.
2 Captains	\$75	\$1,800
3 Lieutenants	40	3,840
2 Lieutenants of Marines	26	624
2 Chaplains	40	960
2 Sailing Masters	40	960
2 Surgeons	50	1,200
4 Surgeon's Mates	30	1,440
2 Pursers	40	960
2 Boatswains	18	432
2 Gunners	18	432
2 Sail-makers	18	432
2 Carpenters	18	432
4 Boatswain's Mates	13	624
4 Gunner's Mates	13	624
2 Sail-maker's Mates	13	312
16 Midshipmen	13	2,496
4 Master's Mates	13	624
2 Captain's Clerks	13	312

Naval Equipments.

	Per mo.	12 mo.
2 Cockswains -	\$13	\$312
2 Yeomen of the Gun Rooms -	13	312
22 Quarter Gunners -	13	3,432
4 Carpenter's Mates -	13	624
2 Armors -	13	312
2 Stewards -	13	312
2 Coopers -	13	312
2 Master-at-Arms -	13	312
2 Cooks -	13	312
300 Seamen -	11	39,600
206 Midshipmen and ordinary Seamen -	9	22,248
2 Sergeants -	10	240
2 Corporals -	10	240
2 Drummers -	9	216
2 Fifers -	9	216
100 Marines -	9	10,800
		<u>\$98,304</u>

4,096 dollars per month for each
frigate of forty-four guns.

Pay of the officers, seamen, and marines of one
frigate of thirty-six guns.

	Per mo.	12 mo.
1 Captain -	\$75	\$900
3 Lieutenants -	40	1,440
1 Lieutenant of Marines -	26	312
1 Surgeon -	50	600
1 Surgeon's Mate -	30	360
1 Sailing Master -	40	480
1 Purser -	40	480
1 Boatswain -	18	216
1 Gunner -	18	216
1 Sail-maker -	18	216
1 Carpenter -	18	216
8 Midshipmen -	13	1,248
2 Master's Mates -	13	312
1 Captain's Clerk -	13	156
2 Boatswain's Mates -	13	312
1 Cockswain -	13	156
1 Sail-maker's Mate -	13	156
2 Gunner's Mates -	13	312
1 Yeoman of the Gun Room -	13	156
9 Quarter Gunners -	13	1,404
2 Carpenter's Mates -	13	312
1 Armorer -	13	156
1 Steward -	13	156
1 Cooper -	13	156
1 Master-at-Arms -	13	156
1 Cook -	13	156
130 Able Seamen and Midshipmen -	11	17,160
90 Ordinary Seamen -	9	9,720
1 Sergeant -	10	120
2 Corporals -	10	240
1 Drummer -	9	108

	Per mo.	12 mo.
1 Fifer -	\$9	\$108
40 Marines -	9	360
		<u>\$42,516</u>

3,513 dollars per month.

SUBSISTENCE.

	Rations per day.	12 mo.
3 Captains -	6	6,570
11 Lieutenants -	3	12,045
3 Lieutenants of Marines -	2	2,190
2 Chaplains -	2	1,460
3 Surgeons -	2	2,190
5 Surgeon's Mates -	2	3,650
3 Sailing Masters -	2	2,190
3 Pursers -	2	2,190
3 Boatswains -	2	2,190
6 Boatswain's Mates -	1	2,190
3 Gunners -	2	2,190
6 Gunner's Mates -	1	2,190
3 Sail-makers -	2	2,190
3 Sail-maker's Mates -	1	1,095
3 Carpenters -	2	2,190
6 Carpenter's Mates -	1	2,190
24 Midshipmen -	1	8,760
6 Master's Mates -	1	2,190
3 Captain's Clerks -	1	1,095
3 Cockswains -	1	1,095
3 Yeomen of the Gun Rooms -	1	1,095
31 Quarter-gunners -	1	11,815
3 Armors -	1	1,095
3 Stewards -	1	1,095
3 Coopers -	1	1,095
3 Masters-at-Arms -	1	1,095
3 Cooks -	1	1,095
726 Able Seamen, Midshipmen, and ordinary Seamen -	1	264,990
3 Sergeants -	1	1,095
4 Corporals -	1	1,460
3 Drummers -	1	1,095
3 Fifers -	1	1,095
140 Marines -	1	51,100

400,770 rations, at 20 cents per ration, is 80,154

\$220,974

WAR OFFICE, December 29, 1796.

Names of the Officers appointed.

Captain John Barry, to command the frigate United States, building at Philadelphia.

Captain Samuel Nicholson, to command the frigate Constitution, building at Boston.

Captain Thomas Truxtun, to command the frigate Constellation, building at Baltimore.

Naval Equipments.

Materials remaining on hand in the Navy Yards at New York, Norfolk, and Portsmouth, (New Hampshire,) which have been provided, and deposited there for the frigates whose building has been suspended by an act of Congress.

Names of places where deposited.	No. of pieces of live oak timber provided for the frames.	No. of feet of white-oak timber in logs.	No. of feet of white-oak timber, of various descriptions.	No. of feet of white oak plank for the bottom, ceiling, and topsides.	No. of feet of white-oak plank for other uses.	No. of feet of carlings and ledges.	No. of feet of Georgia pine planks for decks.	No. of feet of yellow-pine plank, for various uses.	No. of pounds of copper for sheathing, &c.	Weight of iron kentledge for ballast.	Weight of 24-pound shot.	Number of anchors.	Number of pounds of iron.	Masts and spars of various sizes.	Number of white oak-knees.	No. of pieces of bunting for colors.	Caboose, with a complete set of cooking utensils, &c.
New York	314	105,864	24,444	159,292	42,371	18,130	85,930	35,679	55,379	Tons. 140	Pounds. 57,561	2	3,562	17	1	1	1
Norfolk	402	48,052	57,948	17,877	-	†8,064	-	28,977	53,831	1	1	1	33,524 \$120	1	1	1	1
Portsmouth	541	*34,800	34,560	105,989	21,719	6,765	38,250	-	1	1	1	†1	9,339	†1	200	99	1

N. B.—Considerable quantities of live-oak timber, and other materials, have been selected out of the above Navy Yards, for the use of the frigates under construction.

* Maple.

† Timbers.

‡ A large anchor of 44 cwt. 2 qrs. 14 lbs.

§ Barr.

|| All provided, but not delivered.

¶ One complete set.

Opposition to the Excise Law.

Materials that have been sold agreeably to act of Congress; to which are added the prices and amount.

2,503 feet 9 inches 3-inch white-oak plank, at \$90 00	-	-	-	\$225 33 1-4	
3,749 feet 10 inches 3 1-2-inch white-oak plank, at \$105 00	-	-	-	393 72	
2,274 feet 4 inches 5-inch white-oak plank, at \$120 00	-	-	-	272 93	
24 feet 2 inches 4 1-2-inch white-oak plank, at \$135 00	-	-	-	3 26 1-2	\$895 24 1-6
806 feet 2 inches 3-inch ceiling white-oak plank, at \$70 00	-	-	-	56 43 1-3	
852 feet 9 inches 3 1-2-inch ceiling white-oak plank, at \$81 66 1-2	-	-	-	69 64	
1,303 feet 3 inches 4-inch ceiling white-oak plank, at \$93 33 1-2	-	-	-	121 64 1-3	247 71 1-6
2,404 feet 3-inch pitch pine plank, at \$90 00	-	-	-	216 36	
161 tons long white-oak timber, (8 feet,) \$10 00 per ton	-	-	-	1,612 00	
60 tons short white-oak timber, (23 feet,) at \$6 00 per ton	-	-	-	363 45	
1,547 1-4 inches white-oak-knees, at 40 cents	-	-	-	618 88	
10 tons pine timber, (27 feet,) at \$3 50	-	-	-	37 36	
					2,848 00 5-0
88 1-2 inches spruce spars, at 8 cents	-	-	-		7 8-0
1,200 locust trennails, of 36 inches, at \$22 50 per 1,000	-	-	-	26 25	
3,000 locust trennails, of 24 inches, at \$15 00 per 1,000	-	-	-	45 00	
3,000 locust trennails, of 20 inches, at \$12 50 per 1,000	-	-	-	37 50	
8,000 locust trennails, of 18 inches, at \$11 25 per 1,000	-	-	-	90 06	
1,630 locust trennails, of 16 inches, at \$10 00 per 1,000	-	-	-	16 30	
318 white-oak trennails, at 60 cents per 100	-	-	-	1 90 1-8	215 95 1-8
					4,214 00 0-5

**OPPOSITION TO THE EXCISE LAW IN
PENNSYLVANIA.**

COMMUNICATED TO CONGRESS BY THE PRESIDENT OF
THE UNITED STATES, NOVEMBER 20, 1794.

And referred to in his speech to the two Houses on the
19th, of which the following is an extract:

*Fellow-citizens of the Senate and
of the House of Representatives:*

When we call to mind the gracious indulgence of Heaven, by which the American people became a nation; when we survey the general prosperity of our country, and look forward to the riches, power, and happiness, to which it seems destined; with the deepest regret do I announce to you that, during your recess, some of the citizens of the United States have been found capable of an insurrection. It is due, however, to the character of our Government, and to its stability, which cannot be shaken by the enemies of order, freely to unfold the course of this event.

During the session of the year one thousand seven hundred and ninety, it was expedient to exercise the Legislative power, granted by the Constitution of the United States "to lay and collect excises." In a majority of the States, scarcely an objection was heard to this mode of taxation. In some, indeed, alarms were at first conceived, until they were banished by reason and patriotism. In the four western counties of Pennsylvania, a prejudice, fostered and imbibed by the artifice of men, who labored for an ascendancy over the will of others, by the guidance of their passions, produced symptoms of riot and violence. It is well known that Congress did not hesitate

to examine the complaints which were presented; and to relieve them, as far as justice dictated, or general convenience would permit. But the impression which this moderation made on the discontented did not correspond with what it deserved. The arts of delusion were no longer confined to the efforts of designing individuals. The very forbearance to press prosecutions was misinterpreted into a fear of urging the execution of the laws, and associations of men began to denounce threats against the officers employed. From a belief that, by a more formal concert, their operation might be defeated, certain self-created societies assumed the tone of condemnation. Hence, while the greater part of Pennsylvania itself were conforming themselves to the acts of excise, a few counties were resolved to frustrate them. It was now perceived, that every expectation from the tenderness which had been hitherto pursued was unavailing, and that further delay could only create an opinion of impotency or irresolution in the Government. Legal process was therefore delivered to the marshal against the rioters and delinquent distillers.

No sooner was he understood to be engaged in this duty, than the vengeance of armed men was aimed at his person, and the person and property of the inspector of the revenue. They fired upon the marshal, arrested him, and detained him, for some time, as prisoner. He was obliged, by the jeopardy of his life, to renounce the service of other process, on the west side of the Alleghany mountain; and a deputation was afterwards sent to him to demand a surrender of that which he had served. A numerous body repeatedly attacked the house of the inspector, seized his papers

Opposition to the Excise Law.

of office, and finally destroyed by fire his buildings and whatsoever they contained. Both of these officers, from a just regard to their safety, fled to the seat of Government—it being avowed, that the motives to such outrages were to compel the resignation of the inspectors; to withstand by force of arms the authority of the United States; and thereby to extort a repeal of the laws of excise, and an alteration in the conduct of Government.

Upon the testimony of these facts, an Associate Justice of the Supreme Court of the United States notified to me that “in the counties of Washington and Allegany, in Pennsylvania, laws of the United States were opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshal of that district.” On this call, momentous in the extreme, I sought and weighed what might best subdue the crisis. On the one hand, the judiciary was pronounced to be stripped of its capacity to enforce the laws; crimes, which reached the very existence of social order, were perpetrated without control; the friends of Government were insulted, abused, and overawed into silence, or an apparent acquiescence; and, to yield to the treasonable fury of so small a portion of the United States, would be to violate the fundamental principle of our Constitution, which enjoins that the will of the majority shall prevail. On the other, to array citizen against citizen, to publish the dishonor of such excesses, to encounter the expense, and other embarrassments, of so distant an expedition, were steps too delicate, too closely interwoven with many affecting considerations, to be lightly adopted. I postponed, therefore, the summoning of the militia immediately into the field; but I required them to be held in readiness, that, if my anxious endeavors to reclaim the deluded, and to convince the malignant of their danger, should be fruitless, military force might be prepared to act before the season should be too far advanced.

My proclamation of the 7th of August last was accordingly issued, and accompanied by the appointment of commissioners, who were charged to repair to the scene of insurrection. They were authorized to confer with any bodies of men or individuals. They were instructed to be candid and explicit in stating the sensations which had been excited in the Executive, and his earnest wish to avoid a resort to coercion; to represent, however, that, without submission, coercion must be the resort; but to invite them, at the same time, to return to the demeanor of faithful citizens, by such accommodations as lay within the sphere of Executive power. Pardon, too, was tendered to them by the Government of the United States, and that of Pennsylvania, upon no other condition than a satisfactory assurance of obedience to the laws.

Although the report of the commissioners marks their firmness and abilities, and must unite all virtuous men, by showing that the means of conciliation have been exhausted, all of those

who had committed or abetted the tumults did not subscribe the mild form which was proposed as the atonement; and the indications of a peaceable temper were neither sufficiently general nor conclusive to recommend or warrant the further suspension of the march of the militia.

Thus, the painful alternative could not be discarded. I ordered the militia to march, after once more admonishing the insurgents, in my proclamation of the 25th of September last.

It was a task too difficult to ascertain, with precision, the lowest degree of force competent to the quelling of the insurrection. From a respect, indeed, to economy, and the ease of my fellow citizens belonging to the militia, it would have gratified me to accomplish such an estimate. My very reluctance to ascribe too much importance to the opposition, had its extent been accurately seen, would have been a decided inducement to the smallest efficient numbers. In this uncertainty, therefore, I put in motion fifteen thousand men, as being an army which, according to all human calculation, would be prompt and adequate in every view, and might, perhaps, by rendering resistance desperate, prevent the effusion of blood. Quotas had been assigned to the States of New Jersey, Pennsylvania, Maryland, and Virginia; the Governor of Pennsylvania having declared, on this occasion, an opinion which justified a requisition to the other States.

As commander-in-chief of the militia, when called into the actual service of the United States, I have visited the places of general rendezvous, to obtain more exact information, and to direct a plan for ulterior movements. Had there been room for persuasion that the laws were secure from obstruction; that the civil magistrate was able to bring to justice such of the most culpable as have not embraced the proffered terms of amnesty, and may be deemed fit objects of example; that the friends to peace and good government were not in need of that aid and countenance which they ought always to receive, and, I trust, ever will receive, against the vicious and turbulent; I should have caught with avidity the opportunity of restoring the militia to their families and home. But, succeeding intelligence has tended to manifest the necessity of what has been done; it being now confessed by those who were not inclined to exaggerate the ill conduct of the insurgents, that their malevolence was not pointed merely to a particular law, but that a spirit, inimical to all order, has actuated many of the offenders. If the state of things had afforded reason for the continuance of my presence with the army, it would not have been withholden. But every appearance assuring such an issue as will redound to the reputation and strength of the United States, I have judged it most proper to resume my duties at the seat of Government, leaving the chief command with the Governor of Virginia.

Still, however, as it is probable that, in a commotion like the present, whatsoever may be the pretence, the purposes of mischiefs and revenge may not be laid aside, the stationing of a small

Opposition to the Excise Law.

force, for a certain period, in the four western counties of Pennsylvania, will be indispensable, whether we contemplate the situation of those who are connected with the execution of the laws, or of others, who may have exposed themselves by an honorable attachment to them. Thirty days from the commencement of this session being the legal limitation of the employment of the militia, Congress cannot be too early occupied with this subject.

Among the discussions which may arise from this aspect of our affairs, and from the documents which will be submitted to Congress, it will not escape their observation, that not only the inspector of the revenue, but other officers of the United States, in Pennsylvania, have, from their fidelity in the discharge of their functions, sustained material injuries to their property. The obligation and policy of indemnifying them are strong and obvious. It may also merit attention, whether policy will not enlarge this provision to the retribution of other citizens, who, though not under the ties of office, may have suffered damage by their generous exertions for upholding the Constitution and the laws. The amount, even if all the injured were included, would not be great; and, on future emergencies, the Government would be amply repaid by the influence of an example, that he, who incurs a loss in its defence, shall find a recompense in its liberality.

While there is cause to lament that occurrences of this nature should have disgraced the name or interrupted the tranquillity of any part of our community, or should have diverted, to a new application, any portion of the public resources, there are not wanting real and substantial consolations for the misfortune. It has demonstrated that our prosperity rests on solid foundations, by furnishing an additional proof that my fellow citizens understand the true principles of Government and liberty; that they feel their inseparable union; that, notwithstanding all the devices which have been used to sway them from their interest and duty, they are now as ready to maintain the authority of the laws against licentious invasions, as they were to defend their rights against usurpation. It has been a spectacle, displaying to the highest advantage the value of Republican Government, to behold the most and the least wealthy of our citizens standing in the same ranks as private soldiers, pre-eminently distinguished by being the army of the Constitution; undeterred by a march of three hundred miles over rugged mountains, by the approach of an inclement season, or by any other discouragement. Nor ought I to omit to acknowledge the efficacious and patriotic co-operation which I have experienced from the Chief Magistrates of the States to which my requisitions have been addressed.

To every description, indeed, of citizens let praise be given. But let them persevere in their affectionate vigilance over that precious depositary of American happiness, the Constitution of the United States. Let them cherish it, too, for the sake of those who, from every clime, are daily

seeking a dwelling in our land. And when, in the calm moments of reflection, they shall have retraced the origin and progress of the insurrection, let them determine whether it has not been fomented by combinations of men, who, careless of consequences, and disregarding the unerring truth, that those who rouse cannot always appease a civil convulsion, have disseminated, from an ignorance or perversion of facts, suspicions, jealousies, and accusations, of the whole Government.

PHILADELPHIA, August 4, 1794.

SIR: From evidence which has been laid before me, I hereby notify to you that, in the counties of Washington and Allegany, in Pennsylvania, laws of the United States are opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshal of that district.

I have the honor to be, with the highest consideration and respect, sir, your most obedient and humble servant,

JAMES WILSON.

The PRESIDENT OF THE UNITED STATES.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

Whereas combinations to defeat the execution of the laws laying duties upon spirits distilled within the United States, and upon stills, have, from the time of the commencement of those laws, existed in some of the western parts of Pennsylvania; And whereas the said combinations, proceeding in a manner subversive equally of the just authority of Government, and of the rights of individuals, have hitherto effected their dangerous and criminal purpose, by the influence of certain irregular meetings, whose proceedings have tended to encourage and uphold the spirit of opposition, by misrepresentations of the laws, calculated to render them odious, by endeavors to deter those who might be so disposed from accepting offices under them, through fear of public resentment, and of injury to person and property, and to compel those who had accepted such offices, by actual violence to surrender or forbear the execution of them; by circulating vindictive menaces against all those who should otherwise directly or indirectly aid in the execution of the said laws, or who, yielding to the dictates of conscience and to a sense of obligation, should themselves comply therewith; by actually injuring and destroying the property of persons who were understood to have so complied; by inflicting cruel and humiliating punishments upon private citizens, for no other cause than that of appearing to be the friends of the laws; by intercepting the public officers on the highways, abusing, assaulting, and otherwise ill-treating them; by going to their houses in the night, gaining admittance by force, taking away their papers, and committing other outrages; employing, for these unwarrantable purposes, the agency of armed banditti, disguised

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in such manner as, for the most part, to escape discovery: And whereas the endeavors of the Legislature to obviate objections to the said laws, by lowering the duties, and by other alterations conducive to the convenience of those whom they immediately affect, (though they have given satisfaction in other quarters,) and the endeavors of the Executive officers to conciliate a compliance with the laws, by explanations, by forbearance, and even by particular accommodations, founded on the suggestion of local considerations, have been disappointed of their effect by the machinations of persons, whose industry to excite resistance has increased with every appearance of a disposition among the people to relax in their opposition, and to acquiesce in the laws, inasmuch that many persons in the said western parts of Pennsylvania have at length been hardy enough to perpetrate acts which I am advised amount to treason, being overt acts of levying war against the United States; the said persons having, on the 16th and 17th July last past, proceeded in arms (on the second day amounting to several hundreds) to the house of John Neville, inspector of the revenue for the fourth survey of the district of Pennsylvania, having repeatedly attacked the said house, with the persons therein, wounding some of them; having seized David Lenox, marshal of the district of Pennsylvania, who, previous thereto, had been fired upon while in the execution of his duty by a party of armed men, detaining him for some time prisoner, till, for the preservation of his life, and the obtaining of his liberty, he found it necessary to enter into stipulations to forbear the execution of certain official duties touching processes issuing out of a court of the United States; and having finally obliged the said inspector of the said revenue, and the said marshal, from considerations of personal safety, to fly from that part of the country, in order, by a circuitous route, to proceed to the Seat of Government; avowing, as the motives of these outrageous proceedings, an intention to prevent, by force of arms, the execution of the said laws; to oblige the said inspector of the revenue to renounce his said office; to withstand, by open violence, the lawful authority of the Government of the United States; and to compel thereby an alteration in the measures of the Legislature, and a repeal of the laws aforesaid: And whereas by a law of the United States, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," it is enacted, "that, whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by that act, the same being notified by an associate justice or the district judge, it shall be lawful for the President of the United States to call forth the militia of such State to suppress such combinations, and to cause the laws to be duly executed. And if the militia of a State where such combinations may happen shall refuse, or be insufficient

to suppress the same, it shall be lawful for the President, if the Legislature of the United States shall not be in session, to call forth and employ such numbers of the militia of any other State or States most convenient thereto as may be necessary; and the use of the militia, so to be called forth, may be continued, if necessary, until the expiration of thirty days after the commencement of the ensuing session: *Provided, always, That, whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, and previous thereto, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time.*" And whereas James Wilson, an associate justice, on the 4th instant, by writing under his hand, did, from evidence which had been laid before him, notify to me that, "in the counties of Washington and Allegany, in Pennsylvania, laws of the United States are opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshal of that district." And whereas it is, in my judgment, necessary, under the circumstances of the case, to take measures for calling forth the militia in order to suppress the combinations aforesaid, and to cause the laws to be duly executed, and I have accordingly determined so to do, feeling the deepest regret for the occasion, but withal the most solemn conviction that the essential interests of the Union demand it; that the very existence of Government and the fundamental principles of social order are materially involved in the issue, and that the patriotism and firmness of all good citizens are seriously called upon, as occasions may require, to aid in the effectual suppression of so fatal a spirit:

Wherefore, and in pursuance of the proviso above recited, I, George Washington, President of the United States, do hereby command all persons, being insurgents as aforesaid, and all others whom it may concern, on or before the first day of September next, to disperse and retire peaceably to their respective abodes. And I do moreover warn all persons whomsoever against aiding, abetting, or comforting the perpetrators of the aforesaid treasonable acts; and do require all officers and other citizens, according to their respective duties, and the laws of the land, to exert their utmost endeavors to prevent and suppress such dangerous proceedings.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same [L. s.] with my hand. Done at the city of Philadelphia, the seventh day of August, one thousand seven hundred and ninety-four, and of the independence of the United States of America the nineteenth.

GEO. WASHINGTON.

By the President:

EDMUND RANDOLPH.

Opposition to the Excise Law.

AUGUST 5, 1794.

GENTLEMEN: The recent events in the neighborhood of Pittsburg have called the attention of the President to the formation of some plan by which the insurrection may be suppressed.

The intelligence which has been transmitted, having been laid before Judge Wilson, he has granted a certificate, declaring that the opposition to the laws of the United States, in the counties of Washington and Allegany, cannot be suppressed by the ordinary course of judicial proceedings, or the power of the marshal. (A copy of that certificate is enclosed No. 1.)

You, or any one or more of you, are, therefore, authorized and appointed forthwith to proceed to the scene of the insurrection, and to confer with any bodies of men or individuals with whom you shall think proper to confer, in order to quiet and extinguish it. There is reason to believe that a collection of discontented individuals will be found at Mingo creek on the fourteenth instant, and, as the object of their assembling is undoubtedly to concert measures relative to this very subject, it is indispensably necessary that you should press thither with the utmost expedition. It is uncertain whether they will remain together for a long or short time; therefore, the being on the ground on the day first named for their meeting is necessary to prevent a miscarriage.

These are the outlines of your communication:

1. To state the serious impressions which their conduct has excited in the mind of the Executive, and to dilate upon the dangers attending every Government where laws are obstructed in their execution.
2. To inform them that the evidence of the late transactions has been submitted to a Judge of the Supreme Court, and that he has granted the above-mentioned certificate, whence a power has arisen to the President to call out the militia to suppress the insurrection. (See the act of May 2, 1792.)
3. To represent to them how painful an idea it is to exercise such a power, and that it is the earnest wish of the President to render it unnecessary by those endeavors which humanity, a love of peace and tranquillity, and the happiness of his fellow-citizens dictate.
4. You will then explain your appointment as Commissioners, in a language and with sentiments most conciliatory, but reconcilable to the self-respect which this Government ought to observe.
5. Whether you are to proceed further, and in what manner, must depend upon your judgment and discretion at the moment, after an estimate of the characters with whom you are conversing, their views, their influence, &c.
6. Whensoever you shall come to the point at which it may be necessary to be explicit, you are to declare that, with respect to the excise law, the President is bound to consider it as much among the laws which he is to see executed as any other. That, as to the repeal of it, he cannot undertake to make any stipulation, that being

a subject consigned by the Constitution to the Legislature, from whom alone a change of Legislative measures can be obtained. That he is willing to grant an amnesty and perpetual oblivion for every thing which has passed; and cannot doubt that any penalty to which the late transactions may have given birth, under the laws and within the jurisdiction of Pennsylvania, may be also wiped away—but upon the following conditions: That satisfactory assurances be given that the laws be no longer obstructed in their execution by any combinations, directly or indirectly: and that the offenders against whom process shall issue for a violation of or an opposition to the laws, shall not be protected from the free operation of the law. Nothing will be enforced concerning the duties of former years if they will fairly comply for the present year.

7. If they speak of the hardship of being drawn to the federal courts at a distance, to that no other reply can be made than this: that the inconvenience, whatsoever it may be, was the act of their own Representatives, and is continued as being still their sense; that, however, on all occasions which will permit the State courts to be used without inconvenience to the United States, or danger of their being frustrated in the object of the suits and prosecutions, the State courts will be resorted to; but the choice of jurisdictions must always depend upon the discretion of the United States, and, therefore, nothing more specific can be said at present.

8. Whensoever you shall choose to speak of the ulterior measures of the Government, you will say that orders have already issued for the proper militia to hold themselves in readiness, and that every thing is prepared for their movement, (as will be seen by the proclamation No. 3,) and is known to yourselves from the communications of the Government; but that these movements will be suspended until your return.

9. These are said to be the outlines; you will fill them up, and modify them so as most effectually to prevent, if possible, the last dreadful necessity which the President so much deprecates; and you may, in particular, assure any individuals of pardon who will expiate their offence by a compliance with the law.

10. You will keep the Executive minutely and constantly informed of all your proceedings, and will use expresses whensoever you think proper, at the public expense.

11. You will be allowed eight dollars per day and your expenses, and may employ a proper person to act as your clerk, who shall be paid whatsoever you may certify him to deserve. The sum of one thousand dollars is advanced to you on account.

12. William Bradford is empowered to add the name of Thomas Smith, or any other proper person, if either J. Ross or J. Yeates shall refuse or be unable to attend.

EDMUND RANDOLPH,
Secretary of State.

TO JAMES ROSS, JASPER YEATES, and
WILLIAM BRADFORD.

Opposition to the Excise Law.

DEPARTMENT OF STATE, Aug. 8, 1794.

GENTLEMEN: In pursuance of instructions from the President of the United States, you, or any one or more of you are hereby authorized and empowered forthwith to repair to the counties on the western side of the Allegany mountain, in the State of Pennsylvania, there to confer with such bodies or individuals as you may approve concerning the commotions, which are referred to in the proclamation of the President of the United States, bearing date the 7th day of August instant; and whatsoever promise or engagement you shall make in behalf of the Executive of the United States, the same will be ratified in the most ample manner.

Given under my hand, and the seal of office of the Department of State, the eighth [L. s.] day of August, one thousand seven hundred and ninety-four.

EDMUND RANDOLPH,
Secretary of State.

To JAMES ROSS, JASPER YATES, and
WILLIAM BRADFORD.

PHILADELPHIA, Sept. 24, 1794.

The Commissioners, appointed to confer with the citizens in the western counties of Pennsylvania, in order to induce them to submit peaceably to the laws, and to prevent the necessity of using coercion to enforce their execution, respectfully report to the President of the United States:

That, in pursuance of their instructions, they repaired to the western counties; and, on their arrival there, found that the spirit of disaffection had pervaded other parts of the fourth survey of Pennsylvania, besides those counties declared to be in a state of insurrection; that all the offices of inspection established therein had lately been violently suppressed; and that a meeting of persons, chosen by most of the townships, was assembled at Parkinson's Ferry, for the purpose of taking into consideration the situation of the western country. This assembly, composed of citizens coming from every part of the fourth survey, would have furnished a favorable opportunity for a conference and mutual explanation; but as they met in the open fields, and were exposed to the impressions of a number of rash and violent men (some of them armed) who surrounded them, an immediate communication with the whole body would have been inconvenient and hazardous. The meeting was probably of that opinion also; for, soon after the appointment of Commissioners was announced to them, they resolved that a committee, to consist of three persons from each county, should be appointed to meet any Commissioners that might have been or might be appointed by the Government; and that they should report the result of their conference to the standing committee, which was to be composed of one person from each township. As soon as this committee of conference were nominated, they agreed to meet at Pittsburg, on the 20th of the same month.

The underwritten accordingly repaired to that place, and were soon after joined by the honorable Thomas McKean and William Irvine, esqrs., who had been appointed Commissioners on the part of the Executive of Pennsylvania. A full and free communication was immediately had with those gentlemen as to the powers delegated, and the measures proper to be pursued at the expected conference.

On the day appointed a sub-committee of the conferees waited on the Commissioners, and arranged with them the time, place, and manner of conference. It was agreed that it should be had the next morning at the house of John McMas- ters, in Pittsburg, and should be private.

On the 21st, all the Commissioners met the conferees at the place appointed. Of the latter there were present John Kirkpatrick, George Smith, and John Powers, from Westmoreland county; David Bradford, James Marshall, and James Edgar, from Washington county; Edward Cook, Albert Gallatin, and James Lang, from Fayette county; Thomas Morton, John Lucas, H. H. Brackenridge, from Allegany county; together with William McKinley, William Sutherland, and Robert Stevenson, who were inhabitants of Ohio county, in Virginia.

The conference was begun by the underwritten, who expressed the concern they felt at the events which had occasioned that meeting, but declared their intention to avoid any unnecessary observations upon them, since it was their business to endeavor to compose the disturbances which prevailed, and to restore the authority of the laws by measures wholly of a conciliatory nature.

It was then stated, that the formal resistance which had lately been given to the laws of the United States violated the great principle on which Republican Government is founded; that every such Government must, at all hazards, enforce obedience to the general will; and that, so long as they admitted themselves to be a part of the nation, it was manifestly absurd to oppose the national authority.

The underwritten then proceeded to state the obligations which lay on the President of the United States to cause the laws to be executed; the measures he had taken for that purpose; his desire to avoid the necessity of coercion; and the general nature of the powers he had vested in them; and, finally, requested to know whether the conferees could give any assurances of a disposition in the people to submit to the laws, or would recommend such submission to them.

The Commissioners, on the part of the State of Pennsylvania, then addressed the conferees on the subject of the late disturbances in that country; forcibly represented the mischievous consequences of such conduct; explained the nature of their mission; and declared they were ready to promise, in behalf of the Executive authority of the State, a full pardon and indemnity for all that was past, on condition of an entire submission to the laws.

On the part of the conferees a narrative was given of those causes of discontent and uneasi-

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ness which very generally prevailed in the minds of the people in the western counties, and which had discovered themselves in the late transactions. Many of these, they said, had long existed, and some of them from the settlement of that country. Among other causes of discontent, they complained of the decisions of the State courts, which discountenanced improvement titles, and gave the preference to paper titles; of the war which had so long vexed the frontiers; and of the manner in which that war had been conducted. They complained that they had been continually harassed by militia duty, in being called out by the State Government to repel incursions, &c.; that the General Government had been inattentive to the execution of the Treaty of Peace respecting the Western posts, and remiss in asserting the claim to the navigation of the Mississippi; that the acts for raising a revenue on distilled spirits were unequal and oppressive, in consequence of their local circumstances; that Congress had neglected their remonstrances and petitions; and that there was great hardship in being summoned to answer for penalties in the courts of the United States at a distance from the vicinage. They also mentioned the suspension of the settlement at Presqu'isle, the engrossing of large quantities of land in the State by individuals, the killing of certain persons at General Neville's house, and the sending of soldiers from the garrison at Pittsburg to defend his house, as causes of irritation among the people. To these they added the appointment of General Neville as inspector of the survey, whose former popularity had made his acceptance of that office particularly offensive.

They said they were persuaded that the persons who were the actors in the late disturbances had not originally intended to have gone so far as they had gone, but were led to it from the obstinacy of those who refused to do what was demanded of them; that the forcible opposition which had been made to the law was owing to the pressure of the grievance; but, if there was any prospect of redress, no people would be more willing to show themselves good citizens.

The Commissioners expressed their surprise at the extent of these complaints, and intimated that if all these matters were really causes of uneasiness and disaffection in the minds of the people, it would be impossible for any Government to satisfy them. But as some of these complaints were of a nature more serious than others, though they could not speak officially, they stated what was generally understood as to the conduct, measures, and expectations of Government respecting the Mississippi navigation; the Treaty of Peace; the suspension of the settlement at Presqu'isle, &c.; that, as to the acts of Congress which had been forcibly opposed, if it were proper they should be repealed, Congress alone could do it; but that while they were laws, they must be carried into execution; that the petitions of the western counties had not been neglected, nor their interests overlooked; that, in fact, the local interests of those counties were better represented

than those of any other part of the State; they having no less than three gentlemen in the House of Representatives, when it appeared by the census that their numbers would not entitle them to two; that the acts in question had been often under the consideration of Congress; that they had always been supported by a considerable majority, in which they would find the names of several gentlemen, considered, in those counties, as the firmest friends of their country; that, although the general interests of the Union did not admit of a repeal, modifications had been made in the law, and some favorable alterations, in consequence of their representations; and that, at the last session, the State courts had been vested with a jurisdiction over offences against those acts, which would enable the President to remove one of their principal complaints; that the convenience of the people had been, and would always be, consulted by the Government; and the conferees were desired to say, if there was anything in the power of the Executive that yet remained to be done to make the execution of the acts convenient and agreeable to the people.

One of the conferees then inquired whether the President could not suspend the execution of the excise acts until the meeting of Congress; but he was interrupted by others, who declared that they considered such a measure as impracticable. The Commissioners expressed the same opinion; and the conversation then became more particular, respecting the powers the Commissioners possessed; the propriety and necessity of the conferees expressing their sense upon the proposals to be made, and of their calling the standing committee together before the 1st of September. But as it was agreed that the propositions and answers should be reduced to writing, the result is contained in the documents annexed, and it appears unnecessary to detail the conference further.

The underwritten accordingly presented to the conferees a letter, (of which a copy, marked No. 1, is annexed;) and the following day they received an answer from them, in which they declare that they are satisfied that the Executive had, in its proposals, gone as far as could be expected; that, in their opinion, it was the interest of the country to accede to the law; and that they would endeavor to conciliate not only the committee to whom they were to report, but the public mind in general to their sense of the subject. (A copy of this letter also is annexed, No. 2.)

The underwritten then proceeded to state, in writing, what assurances of submission would be deemed full and satisfactory, and to detail more particularly the engagements they had power to make. This detail was submitted to the inspection of a sub-committee of the conferees, who candidly suggested such alterations as appeared to them necessary to render the proposals acceptable. From a desire to accommodate, most of the alterations suggested by those gentlemen were adopted; and though some of them were rejected, the reasons given appeared to be satisfac-

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tory, and no further objections remained. (A copy of this detail is marked No. 3.)

The conferees, on the following day, explicitly approved of the detail thus settled, engaged to recommend the proposals to the people, and added, that however it might be received, they were persuaded nothing more could be done by the Commissioners, or them, to bring the business to an accommodation. (No. 4 is a copy of their letter.)

So far as this letter respects the gentlemen from Ohio county, in Virginia, a reply was made, and some arrangements entered into with them, the nature and extent of which appear by the correspondence. (Copies of which are annexed, numbered 5, 6, 7, and 8.)

The hopes excited by the favorable issue of this conference were not realized by a correspondent conduct in the citizens who composed what was called "the standing committee." They assembled at Brownsville (Redstone Old Fort) on the 28th August, and broke up on the 29th, and on the following day, a letter was received from Edward Cook, their chairman, announcing that difficulties had arisen, and that a new committee of conference was appointed; and although the resolve which is annexed was passed, it did not appear that the assurances of submission which had been demanded had been given. (Copies of this letter and resolve are marked Nos. 9 and 10.)

The underwritten were informed by several of the members of that meeting, as well as other citizens who were present at it, that the report of the committee of conference, and the proposals of the Commissioners, were unfavorably received; that rebellion and hostile resistance against the United States were publicly recommended by some of the members; and that so excessive a spirit prevailed, that it was not thought prudent or safe to urge a compliance with the terms and preliminaries prescribed by the underwritten, or the Commissioners from the Governor of Pennsylvania. All that could be obtained was the resolve already mentioned, the question upon it being decided by ballot; by which means each member had an opportunity of concealing his opinion and of sheltering himself from the resentment of those from whom violence was apprehended. But notwithstanding this caution, the opinion was so far from being unanimous, that out of fifty-seven votes, there were twenty-three nays, leaving a majority of only eleven: and the underwritten have been repeatedly assured, by different members of that meeting, that if the question had been publicly put, it would have been carried in the negative by a considerable majority.

With a view of counteracting the arts and influence of the violent, the underwritten, on the 27th of August, addressed a letter to the late conferees, authorizing them to assure the friends of order, who might be disposed to exert themselves to restore the authority of the laws, that they might rely on the protection of Government, and that measures would be taken to suppress and punish the violence of those individuals who might dissent from the general sentiment. This letter (a copy

of which is marked No. 11) was delivered to one of the conferees going to Brownsville; but he afterwards informed the underwritten that the gentleman to whom it was addressed did not "think it prudent to make any use of it, as the temper which prevailed was such that it would probably have done more harm than good."

The conduct of the meeting at Brownsville, notwithstanding the thin veil thrown over it by the resolve already mentioned, was said to be considered by many (and especially by the violent party) as a rejection of the terms. It was certainly a partial rejection of those proposed by the underwritten, and a total one of the preliminaries prescribed by the State Commissioners, who had required assurances from the members of that meeting only, and not from the people themselves.

Having, therefore, no longer any hopes of a universal, or even general submission, it was deemed necessary, by a solemn appeal to the people, to ascertain as clearly as possible the determination of every individual; to encourage and oblige the friends of order to declare themselves; to recall as many of the disaffected as possible to their duty, by assurances of pardon dependent on their individual conduct; and to learn with certainty what opposition Government might expect if military coercion should be finally unavoidable.

To secure these advantages, the underwritten were of opinion that the assurances of submission required of the people ought not only to be publicly given, but ought also to be reduced to writing; and that the state of each county should be certified by those who were to superintend the meetings at which the disposition of the people was to be ascertained.

On the 1st instant, nine of the gentlemen appointed by the meeting at Brownsville assembled at Pittsburg, and in the afternoon requested a conference with the Commissioners, which was agreed to. They produced the resolves by which they were appointed, and entered into some explanation of the nature of their visit; but being desired to communicate it in writing, they withdrew, and soon after sent a letter addressed to the Commissioners of the United States and of the State of Pennsylvania; to which an answer was immediately written. (Copies of these letters are annexed, Nos. 12 and 13.)

As no part of their letter, although addressed to the Commissioners from Pennsylvania, related to the preliminaries prescribed by them, they made no answer in writing; but, in a conference held the next morning with those nine gentlemen, they verbally declared to them their entire concurrence in the sentiments contained in the letter from the underwritten; and they expressed, at some length, their surprise and regret at the conduct of the meeting at Brownsville. The conferees declared themselves satisfied with the answer they had received—avowed an entire conviction of the necessity and propriety of an early submission in the manner proposed, and offered immediately to enter into the detail for settling the time, place, and manner, of taking the sense of the people. (A copy of their

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letter, which also expresses these sentiments, is annexed, No. 14.)

It was accordingly agreed between the Commissioners on the one part, and these gentlemen on the other, that the people should assemble for the purpose of expressing their determination, and giving the assurances required, on the 11th instant; and the mode of ascertaining the public sentiments of the citizens resident in the fourth survey of Pennsylvania was clearly and definitely prescribed by the unanimous consent of all who were present at the conference. It was evident that circumstances might arise to prevent the real disposition of the citizens from being fully ascertained at these meetings, and that even arts might be used to procure such an expression of the public mind, that, while it held up an appearance of submission, might be in reality a false and delusive representation of it. It was therefore necessary that persons of character from every township or district (who might be able, from their own knowledge or the comparison of all circumstances, justly to appreciate the public opinion) should assemble and jointly certify their opinion whether there was such a general submission in their respective counties, or not; that the laws could be peaceably carried into execution. For the same purpose it was agreed to be proper that the number of those who openly refused, as well as of those who promised to submit, in their respective townships or districts, should be reported to the Commissioners. (A copy of this agreement, marked No. 15, is annexed.)

It appears that meetings were held in the several counties, in pursuance of this agreement; but the underwritten, with extreme regret, find themselves obliged to report, that, in the returns made to them no opinions are certified that there is so general a submission in any one of the counties that an office of inspection can be immediately and safely established therein. On the contrary, the report of those who superintended the meeting in Westmoreland, states their opinion to be that such a measure would not be safe.

From Allegany county no report whatever has been received; and, although it is understood that a very great majority of those assembled in the Pittsburg district actually subscribed the declarations required, yet there is no reason to believe that there was a favorable issue in any other district. Information has been received that great violence prevailed in one of them, and that in another the majority declared their determination not to submit to the laws of the United States.

From Washington county a general return was duly transmitted to one of the Commissioners at Uniontown, signed by twenty-eight of the superintendents of the meeting. They do not, however, state the number of the yeas and nays on the question for submission. They decline giving any opinion whether there is such a general submission that an office of inspection may be established therein, but certify their opinion and belief "that a large majority of the inhabitants will acquiesce and submit to the said law, under a hope and firm belief that the Congress of the United States will repeal the law."

The report from the superintendents in Westmoreland county is equally defective, in not stating the numbers as required; but it certifies their opinion, that, as ill-disposed lawless persons could suddenly assemble and offer violence, it would not be safe immediately to establish an office of inspection in that county.

The county of Fayette rejected the mode of ascertaining the sense of the people, which had been settled between the underwritten and the last committee of conference at Pittsburg. The standing committee of that county directed those qualified by the laws of the State for voting at elections, to assemble in their election districts, and vote by ballot whether they would accede to the proposals made by the Commissioners of the United States, on the 22d of August, or not. The superintendents of these election districts report that five hundred and sixty of the people thus convened had voted for submission, and that one hundred and sixty-one had voted against it; that no judge or member of their committee had attended from the fourth district of the county, to report the state of the votes there, and that they are of opinion that a great majority of the citizens who did not attend are disposed to behave peaceably, and with due submission to the laws. But it is proper to mention, that credible and certain information has been received, that in the fourth district of that county (composed of the townships of Tyrone and Bullskin, of which the standing committee has given no account) six-sevenths of those who voted were for resistance. (Copies of the reports stated are annexed, and numbered 16, 17, and 18.)

From that part of Bedford county which is comprehended within the fourth survey of Pennsylvania, no report or returns have been sent forward, nor has any information been received that the citizens assembled there for the purpose of declaring their opinions upon questions proposed.

The written assurances of submission which have been received by the Commissioners are not numerous, nor were they given by all those who expressed a willingness to obey the laws. In Fayette county, a different plan being pursued, no written assurances were given in the manner required. In the three other counties, which, from the census taken under the laws of the State, appear to contain above eleven thousand taxable inhabitants, (in which none under the age of twenty-one are included,) the names subscribed to the papers received barely exceed two thousand seven hundred, and of these a very considerable part have not been subscribed in the mode agreed on—being either signed at a different day, unattested by any person, or wilfully varied from the settled form.

From credible information received, it appears to the underwritten, that in some townships the majority, and, in one of them, the whole of the persons assembled, publicly declared themselves for resistance. In some, although the sense of the majority was not known, yet the party for resistance was sufficiently strong to prevent any declarations for submission being openly made; and in others, the majority were intimidated or opposed by a violent minority. But, notwithstanding these

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circumstances, the underwritten firmly believe that there is a considerable majority of the inhabitants of the fourth survey who are now disposed to submit to the execution of the laws; at the same time, they conceive it their duty explicitly to declare their opinion that such is the state of things in that survey, that there is no probability that the act for raising a revenue on distilled spirits and stills can at present be enforced by the usual course of civil authority; and that some more competent force is necessary to cause the laws to be duly executed, and to insure to the officers and well-disposed citizens that protection which it is the duty of Government to afford.

This opinion is founded on the facts already stated; and it is confirmed by that which is entertained by many intelligent and influential persons, officers of justice and others, resident in the western counties, who have lately informed one of the Commissioners that whatever assurances might be given, it was, in their judgment, absolutely necessary that the civil authority should be aided by a military force, in order to secure a due execution of the laws.

JAMES ROSS,
J. YEATES,
WM. BRADFORD.

[The documents referred to in the foregoing report.]

No. 1.

From the Commissioners on the part of the Union to the Committee of Conference, assembled at Pittsburg.

PITTSBURG, August 21, 1794.

GENTLEMEN: Having had a conference with you on the important subject that calls us into this part of Pennsylvania, we shall now state to you in writing, agreeably to your request, the nature and object of our mission hither. Considering this as a crisis infinitely interesting to our fellow-citizens who have authorized you to confer with us, we shall explain ourselves to you with that frankness and sincerity which the solemnity of the occasion demands.

You well know that the President of the United States is charged with the execution of the laws. Obedience to the national will being indispensable in a Republican Government, the people of the United States have strictly enjoined it as his duty "to see that the laws are faithfully executed;" and when the ordinary authorities of the Government are incompetent for that end, he is bound to exert those high powers with which the nation has invested him for so extraordinary an occasion.

It is but too evident that the insurrections which have lately prevailed in some of these western counties have suppressed the usual exercise of the civil authority; and it has been formally notified to the President, by one of the associate judges, in the manner the law prescribes, "that in the counties of Washington and Allegany, in Pennsylvania, laws of the United States are opposed, and the execution thereof obstructed by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or the powers vested in

the marshal of that district." He therefore perceives, with the deepest regret, the necessity to which he may be reduced, of calling forth the national force in order to support the national authority, and to cause the laws to be executed; but he has determined previously to address himself to the patriotism and reason of the people of the western counties, and to try the moderation of Government, in hopes that he may not be compelled to resort to its strength. But we must not conceal from you that it is also his fixed determination, if these hopes should be disappointed, to employ the force, and, if it be necessary, the whole force of the Union, to secure the execution of the laws. He has, therefore, authorized us to repair hither, and by free conferences and the powers vested in us, to endeavor to put an end to the present disturbances, and to the opposition to the execution of the laws, in a manner that may be finally satisfactory to all our fellow-citizens.

We hope that this moderation in the Government will not be misconstrued by the citizens to whom we are sent. The President, who feels a paternal solicitude for their welfare, wishes to prevent the calamities that are impending over them; to state to them clearly the inevitable consequences of further resistance; to recal them to their duty; and to prove to the whole world, that if military coercion must be employed, it is their choice, and not his.

The powers vested in us will enable us so to arrange the execution of the acts for raising a revenue on distilled spirits and stills, that little inconvenience will arise therefrom to the people; to prevent, as far as is consistent with the public interests, the commencing prosecutions under those acts at a distance from the places where the delinquents reside; to suspend prosecutions for the late offences against the United States; and even to engage for a general pardon and oblivion of them.

But, gentlemen, we explicitly declare to you, that the exercise of these powers must be preceded by full and satisfactory assurances of a sincere determination in the people to obey the laws of the United States, and their eventual operation must depend upon a correspondent acquiescence in the execution of the acts which have been opposed. We have not (and, coming from the Executive, you well know that we cannot have) any authority to suspend the laws, or to offer the most distant hopes that the acts, the execution of which has been obstructed, will be repealed. On the contrary, we are free to declare to you our private opinions, that the National Councils, while they consult the general interests of the Republic, and endeavor to conciliate every part by local accommodations to citizens who respect the laws, will sternly refuse every indulgence to men who accompany their requests with threats, and resist by force the public authority.

Upon these principles we are ready to enter with you into the detail necessary for the exercise of our powers; to learn what local accommodations are yet wanting to render the execution of the laws convenient to the people; to concert with you measures for restoring harmony and order, and for

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burying the past in oblivion; and to unite our endeavors with yours to secure the peace and happiness of our common country.

It is necessary, however, to apprize you thus early that, at present, we do not consider ourselves as authorized to enter into any conferences on this subject after the 1st of September ensuing. We therefore hope the business will be so conducted that some definitive answer may be given to us before that day.

We cannot believe that, in so great a crisis, any attempts to temporize and procrastinate will be made by those who sincerely love their country, and wish to secure its tranquillity.

We also declare to you, that no indulgence will be given to any future offence against the United States, and that they who shall hereafter directly or indirectly oppose the execution of the laws must abide the consequences of their conduct.

JAMES ROSS,
J. YEATES,
WM. BRADFORD.

No. 2.

The following is the answer of the committee.

PITTSBURG, August 22, 1794.

GENTLEMEN: Having, in our conference, at considerable length stated to you the grounds of that discontent which exists in the minds of the people of this country, and which has lately shown itself in acts of opposition to the excise law, you will consider us as waiving any question with regard to the nature of those acts, whether treasonable, or amounting only to riot and breach of the peace; of course, as waiving the question of the constitutional power of the President to call upon the force of the Union to suppress them. It is our object, as it is yours, to compose the disturbance.

We are satisfied that, in substance, you have gone as far as we could expect the Executive to go. It only remains to ascertain your propositions more in detail, and to say what arrangements it may be in your power to make with regard to convenience in collecting the revenue under the excise laws; how far it may be consistent with the public interest to prevent commencing prosecutions under those laws at a distance from the places where the delinquents reside; on what condition or circumstance prosecutions for the late violations of the laws shall be suspended; that is to say, whether on the individual keeping the peace, or on its being kept by the country in general; and also with regard to the general amnesty, whether the claiming the benefit of it by an individual shall depend on his own future conduct or that of the whole community.

We have already stated to you, in conference, that we are empowered to give you no definitive answer with regard to the sense of the people on the great question of acceding to the law, but that, in our opinion, it is the interest of the country to accede; and that we shall make this report to the committee to whom we are to report, and state to them the reasons of our opinion, that so far as they may appear to have weight they may be regarded by them. It will be our endeavor to con-

ciliate not only them, but the public mind in general, to our sense on this subject; for this purpose, we hope to be assisted by you in giving all that extent and precision, clearness and certainty to your propositions, as may satisfy the understandings and engage the acquiescence of the people.

It is to be understood that, in acceding to the law, no inference is to be drawn, or construction made, that we will relinquish a constitutional opposition; but that we will invariably, undeviatingly, and constantly pursue every legal means and measure of obtaining a repeal of the law in question.

As we are disposed with you to have the sense of the people taken on the subject of our conference as speedily as may be, with that view we have resolved to call the committee to whom our report is to be made at an earlier day than had been appointed, to wit, to meet on Thursday, the 28th instant, but have not thought ourselves justifiable in changing the place, to wit, at Redstone, (Old Fort,) on the Monongahela.

By order of the committee:

EDWARD COOK, *Chairman.*

To the COMMISSIONERS

on the part of the Union.

No. 3.

The Commissioners appointed by the President of the United States, to confer with the citizens in the western parts of Pennsylvania, having been assured by the committee of conference of their determination to approve the proposals made, and to recommend to the general committee, appointed by the meeting at Parkinson's Ferry, a submission to the acts of Congress, do now proceed to declare what assurances of submission will be deemed full and satisfactory, and to detail the engagements which they have power to make.

1st. It is expected and required by the said Commissioners, that the citizens composing the general committee do, on or before the first day of September, explicitly declare their determination to submit to the laws of the United States; and that they will not, directly or indirectly, oppose the execution of the acts for raising a revenue on distilled spirits and stills.

2d. That they do explicitly recommend a perfect and entire acquiescence under the execution of the said acts.

3d. That they do, in like manner, recommend that no violence, injuries, or threats be offered to the person or against the property of any officer of the United States, or citizens complying with the laws, and do declare their determination to support (as far as the laws require) the civil authority, in affording the protection due to all officers and citizens.

4th. That measures be taken to ascertain, by meetings in election districts or otherwise, the determination of the citizens in the fourth survey of Pennsylvania to submit to the said laws; and that satisfactory assurances be given to the said Commissioners that the people have so determined to submit, on or before the 14th of September next.

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The said Commissioners, if a full and perfect compliance with the above requisitions shall take place, have power to promise and engage in manner following, to wit:

1st. No prosecution for any treason or other indictable offence against the United States, committed in the fourth survey of Pennsylvania before this day, shall be commenced or proceeded on until the 10th of July next.

2d. If there shall be a general and sincere acquiescence in the execution of the said laws until the said 10th day of July next, a general pardon and oblivion of all such offences shall be granted; excepting therefrom, nevertheless, every person who shall in the meantime wilfully obstruct, or attempt to obstruct, the execution of any of the laws of the United States, or be in anywise aiding or abetting therein.

3d. Congress having, by an act passed on the 5th day of June last, authorized the State courts to take cognizance of offences against the said acts for raising a revenue upon distilled spirits and stills, the President has determined that he will direct suits against such delinquents to be prosecuted therein, if, upon experiment, it be found that local prejudices or other causes do not obstruct the faithful administration of justice; but it is to be understood that of this he must be the judge, and that he does not mean by this determination to impair any power vested in the Executive of the United States.

4th. Certain beneficial arrangements for adjusting delinquencies and prosecutions for penalties now depending shall be made, and communicated by the officers appointed to carry the said acts into execution.

Given under our hands, at Pittsburg, this 22d day of August, 1794.

JAMES ROSS,
J. YEATES,
WM. BRADFORD.

To the COMMITTEE OF CONFERENCE.

No. 4.

PITTSBURG, August 23, 1794.

GENTLEMEN: We presume it has been understood by you that the conference on our part consists of members not only from the counties of Pennsylvania west of the Allegany mountains, but also from Ohio county, in Virginia, and your propositions made in general by your first letter being addressed to this conference, the Ohio county was considered as included; yet in your propositions, made in detail by your last, you confine them to the survey within Pennsylvania. We would request an explanation on this particular.

We have only further to say, we shall make a faithful report of your propositions, which we approve of, and will recommend to the people; and, however they may be received, we are persuaded nothing more could have been done by you or us to bring this business to an accommodation.

Signed by order of the committee.

EDWARD COOK, *Chairman.*

To the COMMISSIONERS

on the part of the Union.

No. 5.

To which the following answer was returned:

PITTSBURG, August 23, 1794.

GENTLEMEN: Having received assurances of your approbation of the propositions made by us, and of your determination to recommend them to the people, we have nothing further to add, except to reply to that part of your letter which relates to the gentlemen from Ohio county.

The whole tenor of our letter of the 21st instant shows that we had come among you in consequence of the disturbances which had prevailed in the western parts of Pennsylvania, to prevent the actual employment of military coercion there, as contemplated in the President's proclamation, and that the late offences referred to were the insurrections which had prevailed in some of the western counties. We therefore cannot extend our propositions.

In addition to this, we are well assured that the people of Ohio county have not generally authorized these gentlemen to represent them, and we cannot at present undertake to make any definite arrangement with them.

We are, however, willing to converse with these gentlemen on this subject, and we have no doubt that, on satisfactory proofs of their determination to support the laws of their country, and of an entire submission to them by those from whom they come being given, the President will, upon our recommendation, extend a similar pardon to any late offences committed against the United States, if such there be committed. We are willing, on receiving such assurances from them, to recommend such application accordingly.

JAMES ROSS,
J. YEATES,
WM. BRADFORD.

To the COMMITTEE OF CONFERENCE.

No. 6.

The following communication was made to the Commissioners by the persons said to have been sent from Ohio county, in Virginia.

PITTSBURG, August 23, 1794.

GENTLEMEN: We have seen, by your letter of this day, that you have been well assured that the people of Ohio county did not generally authorise us to represent them. All we have to say on that subject is, that we were authorised fully and generally by such persons as met on that occasion. Whether any of the inhabitants were dissatisfied with our being appointed for that purpose, or whether there were any who did not wish an appointment to take place at all, we know not; but we pretend to have no other disine than that of representing such of the citizens of Ohio county as sent us here.

Waving, however, the near personal subject, we think it a duty we owe our fellow-citizens, to wish (and we know it to have been the opinion of the whole committee of conference) that no distinction should be made between offences committed upon the same occasion, arising from the same source,

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and perpetrated at the same time, whether they happened in Pennsylvanah or in Virginia; and we therefore hope you will conceive it, upon full examination, to be part of your present pacific mission to satisfy the minds of the people of Virginia as well as those of Pennsylvania; and that you will give assurances that the same proofs which you require from the people of Pennsylvania of there determination to submit to the laws shall be deemed sufficient when given by the people of Ohio county, to induce you to recommend to the President to extend a similar pardon to any offences committed there against the United States; and that, whatever objects you may have to consider us in the same point of view with the other members of the committee of conference, you will not require different conditions from, or propose different terms to, the citizens of the too States, &c.*

We have the honor to be, with respect, gentlemen, your most obedient and very humble servants,

**ROBT. STEPHENSON,
WILLIAM SUTHERLAND,
WILLIAM MCKINLEY.**

To the COMMISSIONERS for the U. S.

No. 7.

GENTLEMEN: Having conversed with you on the subject of your letter of this date, we declare to you that, if the same declarations and assurances are made by you, which it is required should be made by the citizens to be assembled at Redstone, and if satisfactory assurances are also given to us of a sincere determination of those individuals in Ohio county, who sent you hither, to submit to the laws for raising a revenue on distilled spirits and stills, on or before the 14th September next, in such case we will recommend to the President of the United States your petition, requesting that a pardon may be granted for any indictable offence against the United States, committed in Ohio county since the 15th day of July last, and before the present day, on the same terms offered to the inhabitants of the fourth survey of Pennsylvania. But, as certain bonds have been lately taken by force from Zaccheus Biggs, the collector of the said revenue in Ohio county, it is to be clearly understood that said pardon shall not extend to prevent any civil remedy against those who have destroyed the said bonds, or are parties to them.

Given under our hands, August 23, 1794.

**JAMES ROSS,
J. YEATES,
WM. BRADFORD.**

To MESSRS. ROBERT STEPHENSON, WILLIAM SUTHERLAND, and WILLIAM MCKINLEY.

To which the following reply was made.

No. 8.

PITTSBURG, August 23, 1794.

GENTLEMEN: Having Conceder your Letter of this Deate since the Departur of the speache

Comatie delegated from Westmorland Washington Featt & Alegunie countis in Pensilvenea & Considering our Selves a Justifyabel repentation of those inhabtents of Ohio County by Whowe we were Deligated & a part of that speachell Comitee to whom your pproposals wear mead and Accepted yesterday & the day posding, and relying on the faith alrdy pledged by you and Accepted by the Speachell Comatee we clen entereng any further on this Bussens untell we Consult our Constaituents & the Comatee of Safety.

We are, Gentl. with Esteem, Your most Obed. Humble Servt.*

**ROBERT STEPHENSON,
WILLIAM SUTHERLAND,
WM. M'KINLY.**

No. 9.

BROWNSVILLE, August 29, 1794.

GENTLEMEN: Difficulties having arisen with us, we have thought it necessary to appoint a committee to confer with you, in order to procure, if possible, some further time, in order that the people may have leisure to reflect on their true situation.

I am, gentlemen, your most obedient humble servant,

EDWARD COOK.

P. S. Enclosed you have a copy of the resolution on that subject.

The Hon. the COMMISSIONERS of the U. S.

No. 10.

At a meeting of the standing committee of the western counties, held at Brownsville, (Redstone, Old Fort,) on the 28th and 29th of August, 1794.—

The report of the committee appointed to confer with the Commissioners of Government being taken into consideration, the following resolutions were adopted, to wit:

1. *Resolved*, That in the opinion of this committee, it is the interest of the people of this country to accede to the proposals made by the Commissioners on the part of the United States.

2. *Resolved*, That a copy of the foregoing resolution be transmitted to the said Commissioners.

EDW. COOK, Chairman.

A true copy: **ALBERT GALLATIN.**

No. 11.

The following letter was delivered to Hugh H. Brackenridge, just before his departure to Redstone, (Old Fort,) directed "To Messrs. Kirkpatrick, Smith, Powers, D. Bradford, Marshall, Edgar, Cook, Gallatin, Lang, Morton, Lucas, and Brackenridge, late conferees."

PITTSBURG, August 27, 1794.

GENTLEMEN: Since your departure from Pittsburg, we have transmitted information of our proceedings to the Secretary of State; and it being evident from them, that the satisfactory proofs of a sincere submission to the laws cannot be ob-

* The spelling in the foregoing is agreeably to the original.

* The spelling in this reply is agreeably to the original.

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tained before the 1st September, we may undertake to assure you that the movement of the militia will be suspended until further information is received from us.

We also authorize you to assure the friends of order, who may be disposed to exert themselves to restore the authority of the laws, that they may rely upon all the protection the Government can give; and that every measure necessary to suppress and punish the violence of ill-disposed individuals who may dissent from the general sentiment (if there should be any such) will be promptly taken in the manner the laws direct.

We are, gentlemen, your most humble servants,

JAMES ROSS,

J. YEATES.

WM. BRADFORD.

No. 12.

PITTSBURG, September 1, 1794.

GENTLEMEN: The committee appointed by the Committee of Safety, at Redstone, the 28th of August last, to confer with the Commissioners of the United States and State of Pennsylvania, and agreeable to the resolution of said committee, do request:

1st. That the said Commissioners give an assurance, on the part of the General Government, of an indemnity to all persons as to the arrears of excise that have not entered their stills to this date.

2d. Will the Commissioners, aforesaid give to the eleventh day of October next, to take the sense of the people at large of the four counties west of Pennsylvania, and that part of Bedford west of the Allegany mountains, and the Ohio county in Virginia, whether they will accede to the resolution of the said Commissioners as stated at large in the conference with the committee of conference met at Pittsburg the 21st day of August last?

By order of the committee:

JOHN MCLELLAND.

The Hon. the COMMISSIONERS

on the part of the U. S. and of the State of Pa.

No. 13.

PITTSBURG, September 1, 1794.

GENTLEMEN: We have received your letter of this date, and, as time presses, have determined to give it an immediate answer, although we shall be prevented thereby from making so full and correct a reply as the importance of the subject requires.

In our correspondence with the late committee of conference, we detailed those assurances of submission to the laws, which would have been deemed full and satisfactory, and which were necessary to the exercise of the powers vested in us. This detail was minutely settled in a conference with a sub-committee of that body. From a desire on our part to accommodate and to render the proposals as unexceptionable as possible, they were altered and modified at their request, till, being

superior to all exception, they received the unanimous approbation of those gentlemen.

The detail, thus settled, required from the standing committee assurances of their explicit determination to submit to the laws of the United States; that they would not, directly or indirectly, oppose the execution of the acts for raising a revenue upon distilled spirits and upon stills; and that they would support, as far as the laws require, the civil authority, in affording the protection due to all officers and other citizens. These assurances have not been given. On the contrary, we learn, with emotions difficult to be repressed, that in the meeting of the committee at Redstone, resistance to the laws and open rebellion against the United States were publicly advocated; and that two-fifths of that body, representing twenty-three townships, totally disapprove the proposals, and preferred the convulsions of a civil contest to the indulgence offered them by their country. Even the members composing the majority, although by a secret and undistinguishing vote they expressed an opinion that it was the interest of the people to accede to the proposals, did not themselves accede to them, nor give the assurances, nor make the recommendations explicitly required of them. They have adjourned without day, and the terms are broken on their part.

We had reason for requiring these declarations and recommendations from that body. They were a representation (in fact) of the different townships of the western counties; they were a body in whom the people had chosen to place confidence; there were among them men, whose advice and example have had influence in misleading the people, and it was proper they should be instrumental in recalling them to their duty; and an avowed determination to support the civil authority, in protecting the officers, would have assisted in repressing the violence of turbulent individuals.

Our expectations have been unfortunately disappointed; the terms required have not been acceded to. You have been sent hither to demand new terms; and it is now necessary for us to decide, whether we will return home or enter into other arrangements.

Upon reflection, we are satisfied that the President of the United States, while he demands satisfactory proofs that there will be in future a perfect submission to the laws, does not wish the great body of the people should be finally concluded by the conduct or proceedings of that committee; and if the people themselves will make the declarations required of the standing committee, and give satisfactory proofs of a general and sincere determination to obey the laws, the benefits offered may still be obtained by those individuals who shall explicitly avow their submission, as herein-after mentioned.

It is difficult to decide in what manner the said declarations and determinations of the people to submit peaceably should be taken and ascertained. We have thought much on this subject, and are fully satisfied that a decision by ballot will be wholly unsatisfactory, and that it will be easy to

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produce by these means an apparent but delusive unanimity. It is, therefore, necessary that the determination of every individual be publicly announced. In a crisis, and on a question like this, it is dishonorable to temporize. Every man ought to declare himself openly, and give his assurances of submission in a manner that cannot be questioned hereafter. If a civil contest must finally take place, the Government ought to know not only the numbers, but the names of the faithful citizens, who may otherwise be in danger of being confounded with the guilty. It therefore remains with you to say, whether you will recommend such a mode of procedure, and will immediately arrange with us the manner in which the sense of the people may be publicly taken, and written assurances of submission obtained, within the time already limited. We desire an explicit and speedy answer in writing.

You request us to "give assurances, on the part of the United States, that an indemnity shall be granted as to the arrears of excise, to all persons that have not entered their stills to this date." If it were proper to remit all arrears of duty, we cannot conceive why those who have entered their stills should not receive a similar indulgence with those who have refused to do so; nor why you demand peculiar favors for the opposers of the acts, while you abandon those who have complied to the strictness of the laws. We have gone on that subject as far as we think advisable. The clause was introduced at the request of the late committee of conference; and even the style of expressing it was settled with them. We, therefore, have nothing more to add to that subject.

You require also that time be given until the 11th day of October, in order to ascertain the sense of the people. That is wholly inadmissible. On the day of the conference, the time allowed was deemed sufficiently long; and we are sorry to perceive that delay only tends to produce an indisposition to decide. There are strong reasons, obvious to a reflecting mind, against prolonging the time a single hour. Nothing is required but a declaration of that duty which every man owes to his country, and every man before this day must have made up his mind on the subject. Six weeks have already elapsed since the ordinary exercise of civil authority has been forcibly suppressed, the officers of Government expelled, and the persons and property of well-disposed citizens exposed to the outrages of popular violence. The protection which is due to peaceable citizens; the respect which every Government owes itself, and the great interests of the United States, demand that the authority of the laws be quickly restored. To this we may add, that the militia (which, by late orders from the President, have been increased to 15,000 men, including 1,500 riflemen from Virginia, under the command of Major General Morgan,) have received orders to assemble; and we cannot undertake to promise that their march will be long suspended. All possible means to inform, to conciliate, and to recal our fellow citizens to their duty have been used. That their infatuation still continues, we regret, but are per-

sued that further moderation and forbearance will but increase it.

If the whole country shall declare its determination peaceably to submit, the hopes of the Executive will be fulfilled; but if a part of the inhabitants of the survey shall persist in their unjustifiable resistance to the lawful authority of the United States, it is not the intention of the Government to confound the innocent with the guilty; you may, therefore, assure the friends of order and the laws that they may rely upon promptly receiving all the protection the Government can give, and that effectual measures will be taken to suppress and punish the violence of those individuals who may endeavor to obstruct the execution of the laws, and to involve their country in a scene of calamity, the extent and seriousness of which it is impossible to calculate.

It is easy to perceive, from the whole scope of this letter, that no part of it is addressed to the gentlemen of Ohio county, Virginia.

JAMES ROSS,
J. YEATES,
WM. BRADFORD.

To ROBERT DICKEY, JOHN PROBST,
JOHN NESBITT, JOHN MARSHEL,
DAVID PHILLIPS, JOHN McCLELLAND,
GEORGE WALLACE, and
SAMUEL WILSON.

No. 14.

PITTSBURG, Sept. 2, 1794.

GENTLEMEN: We have received your letter of yesterday, and, after having duly considered its contents, we are all of opinion that it is the interest and duty of the people in the western counties of Pennsylvania to submit to the execution of the laws of the United States and of the State of Pennsylvania, upon the principles and terms stated by the Commissioners; and we will heartily recommend this measure to them. We are also ready to enter into the detail with you of fixing and ascertaining the time, place, and manner of collecting the sense of the people upon this very momentous subject.

Signed by the unanimous order of the committee:

JOHN McCLELLAND.

To the COMMISSIONERS of the United
States and of the State of Pennsylvania.

No. 15.

At a conference between the Commissioners from the United States and the State of Pennsylvania, on the one part, and Messrs. Probst, Dickey, Nesbit, Marshel, Philips, McClelland, Wallace, and Wilson, conferees, appointed by the standing committee at Brownsville, (Redstone, Old Fort,) on the 28th and 29th days of August, 1794, it was agreed that the assurances required from the citizens in the fourth survey of Pennsylvania should be given in writing, and their sense ascertained in the following manner:

That the citizens of the said survey (Alleghany county excepted) of the age of eighteen years and

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upwards, be required to assemble on Thursday, the 11th instant, in their respective townships, at the usual place for holding township meetings; and that between the hours of twelve and seven in the afternoon of the same day, any two or more members of the meeting who assembled at Parkinson's Ferry on the 14th ultimo, resident in the township, or a justice of the peace of said township, do openly propose to the people assembled the following questions: "Do you now engage to submit to the laws of the United States, and that you will not hereafter, directly or indirectly, oppose the execution of the acts for raising the revenue upon distilled spirits and stills? And do you also undertake to support, as far as the laws require, the civil authority, in affording the protection due to all officers and other citizens?" Yea or nay.

That the said citizens, resident in Allegany county, shall meet in their respective election districts on the said day, and proceed in the same manner as if they were assembled in townships.

That a minute of the number of the yeas and nays be made immediately after ascertaining the same.

That a written or printed declaration of such engagements be signed by all those who vote in the affirmative, of the following tenor, to wit:

"I do solemnly promise henceforth* to submit to the laws of the United States; that I will not directly nor indirectly oppose the execution of the acts for raising a revenue on distilled spirits and stills; and that I will support, as far as the law requires, the civil authority in affording the protection due to all officers and other citizens."

This shall be signed in the presence of the said members or justices, attested by him or them, and lodged in his or their hands.

That the said persons, so proposing the question stated as aforesaid, do assemble at the respective county court-houses on the 13th instant, and do ascertain and make report of the number of those who voted in the affirmative in the respective townships or districts, and of the number of those who voted in the negative; together with their opinion whether there be such a general submission of the people in their respective counties, that an office of inspection may be immediately and safely established therein.

That the said report, opinion, and written or printed declarations be transmitted to the Commissioners, or any one of them, at Uniontown, on or before the 16th instant.

If the said assurances shall be *bona fide* given in the manner prescribed, the Commissioners on the part of the United States do promise and engage in manner following, to wit:

1. No prosecution for any treason or other indictable offence against the United States, committed within the fourth survey of Pennsylvania,

before the 22d day of August last, shall be commenced or prosecuted before the 10th day of July next, against any person who shall, within the time limited, subscribe such assurance and engagement as aforesaid, and perform the same.

2. On the said 10th day of July next there shall be granted a general pardon and oblivion of all the said offences, excluding therefrom, nevertheless, every person who shall refuse or neglect to subscribe such assurance and engagement in manner aforesaid, or shall, after such subscription, violate the same, or wilfully obstruct, or attempt to obstruct, the execution of the said acts, or be aiding or abetting therein.

3. Congress having, by an act passed on the 5th day of June last, authorized the State courts to take cognizance of offences against the said acts for raising a revenue upon distilled spirits and stills, the President has determined that he will direct suits against such delinquents to be prosecuted therein, if, upon experiment, it be found that local prejudices or other causes do not obstruct the faithful administration of justice; but it is to be understood that of this he must be the judge, and that he does not mean by this determination to impair any power vested in the Executive of the United States.

4. Certain beneficial arrangements for adjusting delinquencies and prosecutions for penalties now depending shall be made and communicated by the officers appointed to carry the said acts into execution.

JAMES ROSS,
J. YEATES,
WILLIAM BRADFORD.

Signed, in behalf of the committee representing the fourth survey of Pennsylvania, unanimously by the members present.

JOHN PROBST,
ROBERT DICKEY,
JOHN NESBITT,
DAVID PHILIPS,
JOHN MARSHAL,
SAMUEL WILSON,
GEORGE WALLACE,
JOHN McCLELLAND.

PITTSBURG, Sept. 2, 1794.

We, the underwritten, do also promise, in behalf of the State of Pennsylvania, that in case the assurances now proposed shall be *bona fide* given and performed until the 10th day of July next, an act of free and general pardon and oblivion of all treasons, insurrections, arsons, riots, and other offences inferior to riots, committed, counselled, or suffered, by any person or persons within the four Western counties of Pennsylvania, since the 14th day of July last past, so far as the same concerns the said State, or the Government thereof, shall be then granted; excluding therefrom every person who shall refuse or neglect to subscribe such assurance, or who shall, after such subscription, wilfully violate or obstruct the laws of the State or of the United States.

THOMAS McKEAN,
WILLIAM IRVINE.

* Objections having been made to the words "solemnly" and "henceforth," the Commissioners, by a publication in the Pittsburgh Gazette, declared their consent to their being struck out.

Opposition to the Excise Law.

No. 16.

We, the subscribers, members of the committee who met at Parkinson's Ferry on the 14th August last, and justices of the peace of the different townships in Washington county, met this 13th day of September, 1794, do find ourselves under great embarrassment to express our sentiments and opinions whether there be such a general submission of the people as that an office of inspection may be immediately and safely established in this county; yet we are free to declare that no opposition shall arise from us, the undersigned, to the excise law, or to any officer appointed under it; and we believe and are of opinion that a large majority of the inhabitants of the respective townships in this county will acquiesce and submit to the said law, under a hope and firm belief that the Congress of the United States will repeal said law.

Given under our hands, at Washington court-house, the 13th of September, 1794.

DAVID BRADFORD,
and twenty-seven others.

No. 17.

We, the subscribers, judges of a general election, held in the several townships of the county of Westmoreland, for the purpose of ascertaining certain assurances required of the citizens by the Commissioners on the part of the Government, and agreed to on the part of the delegates, having met this day, and taken into consideration the returns from said townships, (true copies of which have been returned to one of the Commissioners,) and finding that some gave only general assurances of their submission and disposition for peace, without individually signing the same, and others, in number according to the returns by them respectively made, do certify that, in our opinion, as ill-disposed lawless persons could suddenly assemble and offer violence, it would not be safe in immediately establishing an office of inspection therein.

Given under our hands, at the court-house, in Greensburg, this 13th day of September, 1794.

JAMES McLEAN,
EBENEZER BRADY,
CLEMENTS BURLEIGH,
HUGH MARTIN,
JOHN DENNISTON,
CHRISTOPHER FINLEY,
JOHN KIRKPATRICK,
JOHN YOUNG,
JAMES CALDWELL,
JAMES IRWIN,
JAMES BRADY,
JOHN ANDERSON,
JOHN FINDLEY,
JEREMIAH MURRAY,
GEORGE AMENT.

No. 18.

UNIONTOWN, Sept. 16, 1794.

We, the subscribers, having, according to resolutions of the committee of townships for the

county of Fayette, acted as judges, on the 11th instant, at the meetings of the people of the said county, respectively convened at the places, in the first, second, and third election districts, where the general elections are usually held, (no judge or member of the committee attending from the fourth and last district, which consists of the townships of Tyrone and Bullskin,) do hereby certify that five hundred and sixty of the people thus convened on the day aforesaid, did then and there declare their determination to submit to the laws of the United States in the manner expressed by the Commissioners on the part of the Union, in their letter dated the 22d day of August last; the total number of those who attended on that occasion being only seven hundred and twenty-one, that is to say, something less than one-third of the number of citizens of the said three districts. And we do further certify, that, from our previous knowledge of the disposition of the general body of the people, and from the anxiety since discovered by many (who, either from not having had notice, or from not having understood the importance of the question, did not attend) to give similar assurances of submission, we are of opinion that the great majority of those citizens who did not attend are disposed to behave peaceably and with due submission to the laws.

ALBERT GALLATIN,
WILLIAM ROBERTS,
GEORGE DIEUTH,
JAMES WHITE,
JOHN JACKSON,
ANDREW RABE,
THOMAS PATTERSON.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

Whereas, from a hope that the combinations against the Constitution and laws of the United States, in certain of the western counties of Pennsylvania, would yield to time and reflection, I thought it sufficient, in the first instance, rather to take measures for calling forth the militia than immediately to embody them; but the moment is now come when the overtures of forgiveness, with no other condition than a submission to law, have been only partially accepted; when every form of conciliation, not inconsistent with the being of Government, has been adopted without effect; when the well-disposed in those counties are unable by their influence and example to reclaim the wicked from their fury, and are compelled to associate in their own defence; when the proffered lenity has been perversely misinterpreted into an apprehension that the citizens will march with reluctance; when the opportunity of examining the serious consequences of a treasonable opposition has been employed in propagating principles of anarchy, endeavoring, through emissaries, to alienate the friends of order from its support, and inviting its enemies to perpetrate similar acts of insurrection; when it is

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manifest that violence would continue to be exercised upon every attempt to enforce the laws; when, therefore, Government is set at defiance, the contest being whether a small portion of the United States shall dictate to the whole Union, and, at the expense of those who desire peace, indulge a desperate ambition: Now, therefore, I, George Washington, President of the United States, in obedience to that high and irresistible duty consigned to me by the Constitution, to "take care that the laws be faithfully executed," deploring that the American name should be sullied by the outrages of citizens on their own Government; commiserating such as remain obstinate from delusion; but resolved, in perfect reliance on that gracious Providence which so signally displays its goodness towards this country, to reduce the refractory to a due subordination to the law, do hereby declare and make known that, with a satisfaction which can be equalled only by the merits of the militia summoned into service from the States of New Jersey, Pennsylvania, Maryland, and Virginia, I have received intelligence of their patriotic alacrity in obeying the call of the present, though painful, yet commanding necessity; that a force, which according to every reasonable expectation is adequate to the exigency, is already in motion to the scene of disaffection; that those who have confided, or shall confide, in the protection of Government, shall meet full succor under the standard and from the arms of the United States; that those who, having offended against the law, have since entitled themselves to indemnity, will be treated with the most liberal good faith, if they shall not have forfeited their claim by any subsequent conduct, and that instructions are given accordingly. And I do moreover exhort all individuals, officers, and bodies of men, to contemplate with abhorrence the measures leading directly or indirectly to those crimes which produce this resort to military coercion; to check, in their respective spheres, the efforts of misguided or designing men to substitute their misrepresentations in the place of truth, and their discontents in the place of stable Government; and to call to mind, that, as the people of the United States have been permitted, under the Divine favor, in perfect freedom, after solemn deliberation, and in an enlightened age, to elect their own Government, so will their gratitude for this inestimable blessing be best distinguished by firm exertions to maintain the Constitution and the laws. And, lastly, I again warn all persons whomsoever and wheresoever not to abet, aid, or comfort the insurgents aforesaid, as they will answer the contrary at their peril; and I do also require all officers and other citizens, according to their several duties, as far as may be in their power, to bring under the cognizance of the law all offenders in the premises.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the city of [L. S.] Philadelphia, the twenty-fifth day of September, one thousand seven hundred and

ninety-four, and of the independence of the United States of America the nineteenth.

G. WASHINGTON.

By the President:

EDM. RANDOLPH.

PHILADELPHIA, Aug. 5, 1794.

SIR: The important subject which led to our conference on Saturday last, and the interesting discussion that then took place having since engaged my whole attention, I am prepared, in compliance with your request, to state with candor the measures which, in my opinion, ought to be pursued by the Commonwealth of Pennsylvania. The circumstances of the case evidently require a firm and energetic conduct on our part, as well as on the part of the General Government; but as they do not preclude the exercise of a prudent and humane policy, I enjoy a sincere gratification in recollecting the sentiment of regret with which you contemplated the possible necessity of an appeal to arms; for I confess that in manifesting a zealous disposition to secure obedience to the Constitution and laws of our country, I too shall ever prefer the instruments of conciliation to those of coercion, and never, but in the last resort, countenance a dereliction of judiciary authority for the exertion of military force.

Under the influence of this general sentiment, I shall proceed, sir, to deliver my opinion relatively to the recent riots in the county of Allegany, recapitulating, in the first place, the actual state of the information which I have received. It appears, then, that the marshal of the district having, without molestation, served certain process that issued from a federal court on various citizens who reside in the county of Fayette, thought it proper to prosecute a similar duty in the county of Allegany, with the assistance and in the company of General Neville, the inspector of the excise for the western district of Pennsylvania; that, while thus accompanied, he suffered some insults and encountered some opposition: that considerable bodies of armed men, having at several times demanded the surrender of General Neville's commission and papers, attacked and ultimately destroyed his house: that these rioters, (of whom a few were killed and many wounded) having taken the marshal and others prisoners, released that officer in consideration of a promise that he would serve no more process on the western side of the Allegany mountain: that, under the apprehension of violence, General Neville, before his house was destroyed, applied to the judges of Allegany county for the protection of his property; but the judges, on the 17th day of July, the day on which his house was destroyed, declared that they could not, in the present circumstances, afford the protection that was requested, though they offered to institute prosecutions against the offenders: and that General Neville and the marshal, menaced with further outrage by the rioters, had been under the necessity of withdrawing from the county. To this

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outline of the actual information respecting the riots, the stoppage of the mail may be added as a matter of aggravation, and the proposed convention of the inhabitants of the neighboring counties of Pennsylvania and Virginia as matter of alarm.

Whatever construction may be given on the part of the United States, to the facts that have been recited, I cannot hesitate to declare, on the part of Pennsylvania, that the incompetency of the judiciary department of her Government to vindicate the violated laws has not at this period been made sufficiently apparent; and that the military power of the Government ought not to be employed until its judiciary authority, after a fair experiment, has proved incompetent to enforce obedience or to punish infractions of the law.

The law having established a tribunal, and prescribed the mode for investigating every charge, has likewise attached to every offence its proper punishment. If an opponent of the excise system refuses or omits to perform the duty which that system prescribes to him in common with his fellow-citizens, his refusal or omission exposes him to the penalty of the law; but the payment of the penalty expiates the legal offence. If a riot is committed in the course of a resistance to the execution of any law, the rioters expose themselves to prosecution and punishment; but the sufferance of their sentence extinguishes their crime. In either instance, however, if the strength and audacity of a lawless combination shall baffle and destroy the efforts of the judiciary authority to recover a penalty or to inflict a punishment, that authority may constitutionally claim the auxiliary intervention of a military power; but still the intervention cannot commence till the impotency of the judicial authority has been proved by experiment, nor continue a moment longer than the occasion for which it was expressly required. That the laws of the Union are the laws of the State, is a constitutional axiom that will never be controverted. That the authority of the State ought to be exerted in maintaining the authority of the Union, is a patriotic position which I have uniformly inculcated; but in executing the laws, or maintaining the authority of the Union, the Government of Pennsylvania can only employ the same means by which the more peculiarly municipal laws and authority of the State are executed and maintained. Till the riot was committed, no offence had occurred which required the aid of the State Government. When it was committed, it became the duty of the State Government to prosecute the offenders as for a breach of the public peace and the laws of the Commonwealth; and if the measures shall be precisely what would have been pursued had the riot been unconnected with the system of federal policy, all, I presume, will be done which good faith and justice can require. Had the riot been unconnected with the system of federal policy, the vindication of our laws would be left to the ordinary course of justice; and only in the last resort, at the requisition, and as an auxiliary

of the civil authority, would the military force of the State be called forth.

Experience furnishes the strongest inducements to my mind for persevering in this lenient course. Riots have heretofore been committed in opposition to the laws of Pennsylvania; but the rioters have invariably been punished by our courts of justice. In opposition to the laws of the United States, in opposition to the very laws now opposed, and in the very counties supposed to be combined in the present opposition, riots have likewise formerly occurred; but in every instance, supported by legal proof, the offenders have been indicted, convicted, and punished, before the tribunals of the State. This result does not announce a defect of jurisdiction, a want of judicial power or disposition to punish infractions of the law; or a necessity for an appeal from the political to the physical strength of the nation.

But another principle of policy deserves some consideration. In a free country it must be expedient to convince the citizens of the necessity that shall at any time induce the Government to employ the coercive authority with which it is invested. To convince them that it is necessary to call forth the military power for the purpose of executing the laws, it must be shown that the judicial power has in vain attempted to punish those who violate them; and, therefore, thinking as I do that the incompetency of the judicial power of Pennsylvania has not yet been sufficiently ascertained, I remarked, in the course of our late conference, that I did not think it would be an easy task to embody the militia on the present occasion. The citizens of Pennsylvania (however a part of them may for a while be deluded) are the friends of law and order; but when the inhabitants of one district shall be required to take arms against the inhabitants of another, their general character does not authorize me to promise a passive obedience to the mandates of Government. I believe that, as freemen, they would inquire into the cause and nature of the service proposed to them; and I believe that their alacrity in performing, as well as in accepting it, would essentially depend on their opinion of its justice and necessity.

Upon great political emergencies, the effect of every measure should be deliberately weighed. If it shall be doubted, whether saying that the judiciary power is yet untried is enough to deter us from the immediate use of military force, an anticipation of the probable consequences of that awful appeal will enable us, perhaps, satisfactorily to remove or overlook the doubt. Will not the resort to force inflame and cement the existing opposition? Will it not associate, in a common resistance, those who have hitherto peaceably, as well as those who have riotously, expressed their abhorrence of the excise? Will it not collect and combine every latent principle of discontent, arising from the supposed oppressive operations of the federal judiciary, the obstruction of the western navigation, and a variety of other local sources? May not the magnitude of the opposition, on the part of the ill-disposed, or the dis-

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satisfaction at a premature resort to arms, on the part of the well-disposed citizens of this State, eventually involve the necessity of employing the militia of other States? And the accumulation of discontent, which the jealousy engendered by that movement may produce, who can calculate, or who will be able to avert? Nor, in this view of the subject, ought we to omit paying some regard to the ground for suspecting that the British Government has already, insidiously and unjustly, attempted to seduce the citizens on our western frontier from their duty; and we know that, in a moment of desperation or disgust, men may be led to accept that as an asylum, which, under different impressions, they would shun as a snare. It will not, I am persuaded, sir, be presumed, from the expression of these sentiments, that I am insensible to the indignation which the late outrages ought to excite in the mind of a magistrate entrusted with the execution of the laws. My object, at present, is to demonstrate that, on the principles of policy as well as of law, it would be improper in me to employ the military power of the State, while its judiciary authority is competent to punish the offenders. But should the judiciary authority prove insufficient, be assured of the most vigorous co-operation of the whole force which the constitution and laws of the State entrust to me, for the purpose of compelling a due obedience to the Government; and, in that unfortunate event, convinced that every other expedient has been resorted to in vain, the public opinion will sanctify our measures, and every honest citizen will willingly lend his aid to strengthen and promote them.

The steps which, under my instructions, were taken as soon as the intelligence respecting the riots was received, will clearly, indeed, manifest the sense that I entertain upon the subject. To every judge, justice, sheriff, brigade inspector—in short, to every public officer residing in the western counties, a letter was addressed, expressing my indignation and regret, and requiring an exertion of their influence and authority to suppress the tumults and punish the offenders. The Attorney General of the State was, likewise, desired to investigate the circumstances of the riot, to ascertain the names of the rioters, and to institute the regular process of the law for bringing the leaders to justice. In addition to these preliminary measures, I propose issuing a proclamation, in order to declare (as far as I can declare them) the sentiments of the Government; to announce a determination to prosecute and punish the offenders; and to exhort the citizens at large to pursue a peaceable and patriotic conduct. I propose engaging three respectable citizens to act as commissioners for addressing those who have embarked in the present combination, upon the lawless nature and ruinous tendency of their proceedings; for inculcating the necessity of an immediate return to the duty which they owe their country; and for promising (as far as the State is concerned) a forgiveness of their past transgressions, upon receiving a satisfactory assurance that, in future, they will submit to the laws; and I

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propose, if all these expedients should be abortive, to convene the Legislature, that the ultimate means of subduing the spirit of insurrection, and of restoring tranquillity and order, may be prescribed by their wisdom and authority.

You will perceive, sir, that throughout my observations I have cautiously avoided any reference to the nature of the evidence from which the facts that relate to the riots are collected, or to the conduct which the Government of the United States may pursue on this important occasion. I have hitherto, indeed, only spoken as the Executive Magistrate of Pennsylvania, charged with a general superintendence and care that the laws of the Commonwealth be faithfully executed, leaving it, as I ought, implicitly to your judgment to choose, on such evidence as you approve, the measures for discharging the analogous trust which is confided to you in relation to the laws of the Union. But before I conclude, it is proper, under the impression of my federal obligations, to add a full and unequivocal assurance, that whatever requisition you may make, whatever duty you may impose, in pursuance of your constitutional and legal powers, will on my part be promptly undertaken and faithfully discharged.

I have the honor to be, with perfect respect, sir, your excellency's most obedient humble servant,

THO. MIFFLIN.

The President of the United States.

DEPARTMENT OF STATE, August 7, 1794.

SIR: The President of the United States has directed me to acknowledge the receipt of your letter of the 5th instant, and to communicate to you the following reply:

In requesting an interview with you on the subject of the recent disturbances in the western parts of Pennsylvania, the President, besides the desire of manifesting a respectful attention to the Chief Magistrate of a State immediately affected, was influenced by the hopes that a free conference, guided by a united and comprehensive view of the Constitutions of the United States and of Pennsylvania, and of the respective institutions, authorities, rights, and duties of the two Governments, would have assisted him in forming more precise ideas of the nature of the co-operation which could be established between them, and a better judgment of the plan which it might be advisable for him to pursue, in the execution of his trust in so important and delicate a conjuncture. This having been his object, it is matter of some regret that the course which has been suggested by you as proper to be pursued, seems to have contemplated Pennsylvania in a light too separate and unconnected. The propriety of that course in most, if not in all respects, would be susceptible of little question, if there were no Federal Government, federal laws, federal judiciary, or federal officers; if important laws of the United States, by a series of violent, as well as of artful expedients, had not been frustrated in their execution for more than three years; if officers immediately charged with their execution, after suf-

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fering much and repeated insult, abuse, personal ill-treatment, and the destruction of property, had not been compelled for safety to fly the places of their residence and the scenes of their official duties; if the service of the processes of a court of the United States had not been resisted, the marshal of the district made and detained for some time prisoner, and compelled for safety also to abandon the performance of his duty, and return, by a circuitous route, to the seat of Government; if, in fine, a judge of the United States had not, in due form of law, notified to the President, "that, in the counties of Washington and Allegany, in Pennsylvania, laws of the United States are opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshal of that district." It is true your excellency has remarked that, in the plan suggested, you have only spoken as the Executive Magistrate of Pennsylvania, charged with a general superintendence and care that the laws of the Commonwealth be fully executed leaving it implicitly to the judgment of the President to choose, on such evidence as he approves, the measures for discharging the analogous trust which is confided to him in relation to the laws of the Union. But it is impossible not to think that the current of the observations in your letter, especially as to the consequences which may result from the employment of coercive measures previous to the preliminary course which is indicated in it, may be construed to imply a virtual disapprobation of that plan of conduct on the part of the General Government in the actual stage of its affairs, which you acknowledge would be proper on the part of the Government of Pennsylvania if arrived at a similar stage. Let it be assumed here, (to be more particularly shown hereafter,) that the Government of the United States is now at that point where it is admitted, if the Government of Pennsylvania was, the employment of force, by its authority, would be justifiable. And let the following extracts be consulted for the truth of the inference which has been just expressed: "Will not the resort to force inflame and cement the existing opposition? Will it not associate in a common resistance those who have hitherto peaceably, as well as those who have riotously, expressed their abhorrence to the excise? Will it not collect and combine every latent principle of discontent arising from the supposed oppressive operations of the federal judiciary, the obstruction of the western navigation, and a variety of other local sources? May not the magnitude of the opposition on the part of the ill-disposed, or the dissatisfaction of a premature resort to arms on the part of the well-disposed citizens of the State, eventually involve the necessity of employing the militia of other States? And the accumulation of discontent, which the jealousy engendered by that movement may produce, who can calculate, or who will be able to avert?"

These important questions naturally give birth to the following serious reflections. The issue of human affairs are in the hands of Providence.

Those entrusted with them in society have no other sure guide than the sincere and faithful discharge of their duty, according to the best of their judgment. In emergencies great and difficult, not to act with an energy proportioned to their magnitude and pressure is as dangerous as any other conceivable course. In the present case, not to exert the means which the laws prescribe for effectuating their own execution, would be to sacrifice those laws, and with them the Constitution, the Government, the principles of social order, and the bulwarks of private right and security. What worse can happen from the execution of those means?

If, as cannot be doubted, the great body of the citizens of the United States are attached to the Constitution which they have established for the management of their common concerns; if they are resolved to support their own authority, in that of the constitutional laws, against disorderly and violent combinations of comparatively small portions of the community; if they are determined to protect each other in the enjoyment of security to person and property; if they are decided to preserve the character of Republican Government, by evincing that it has adequate resources for maintaining the public order; if they are persuaded that their safety and their welfare are materially connected with the preservation of the Union, and, consequently, of a Government adequate to its exigencies; in fine, if they are disposed to continue that state of respectability and prosperity which is now deservedly the admiration of mankind, the enterprise to be accomplished, should a resort to force prove inevitable, though disagreeable and painful, cannot be arduous or alarming.

If, in addition to these dispositions in the community at large, the officers of the Governments of the respective States, feeling it to be not only a patriotic, but a constitutional duty (inculcated by the oath enjoined upon all the officers of a State, legislative, executive, and judicial) to support, in their several stations, the Constitution of the United States, shall be disposed, as occasion may require, (a thing as little to be doubted as the former,) with sincerity and good faith to co-operate with the Government of the United States, to second, with all their influence and weight, its legal and necessary measures by a real and substantial concert, then the enterprise to be accomplished can hardly ever be deemed difficult.

But if, contrary to the anticipations which are entertained of these favorable dispositions, the great body of the people should be found indifferent to the preservation of the Government of the Union, or insensible to the necessity of vigorous exertions to repel the danger which threatens their most important interests; or if an unwillingness to encounter partial inconveniences should interfere with the discharge of what they owe to their permanent welfare; or if, either yielding to the suggestions of particular prejudices, or misled by the arts which may be employed to infuse jealousy and discontent, they should suffer their zeal for the support of public order to be relaxed by

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an unfavorable opinion of the merits and tendency of the measures which may be adopted; if, above all, it were possible that any of the State Governments should, instead of prompting the exertions of the citizens, assist directly or indirectly in damping their ardor, by giving a wrong bias to their judgment, or by disseminating dissatisfaction with the proceedings of the General Government, or should counteract the success of those proceedings by any sinister influence whatever; then, indeed, no one can calculate, or may be able to avert, the fatal evils with which such a state of things would be pregnant. Then, indeed, the foundations of our political happiness may be deeply shaken, if not altogether overturned.

The President, however, can suppose none of these things. He cherishes an unqualified confidence in the virtue and good sense of the people, in the integrity and patriotism of the officers of the State Governments; and he counts absolutely on the same affectionate support which he has experienced upon all former occasions, and which he is conscious that the goodness of his intentions now, not less than heretofore, merits.

It has been promised to show more particularly hereafter that the Government of the United States is now at that point where it is confessed, if the State Government was, the employment of force on its part would be justifiable. This promise remains to be fulfilled.

The facts already noted establish the conclusion; but to render it palpable, it will be of use to apply them to the positions which your excellency has been pleased to lay down.

You admit that, as the offences committed respect the State, the military power of the Government ought to be employed where its judiciary authority, after a fair experiment, had proved incompetent to enforce obedience, or to punish infractions of the laws; that if the strength and audacity of a lawless combination shall baffle and destroy the efforts of the judiciary authority to recover a penalty or inflict a punishment, that authority may constitutionally claim the auxiliary intervention of the military power; that, in the last resort, at the requisition, and as an auxiliary of the civil authority, the military force of the State would be called forth. And you declare that the circumstances of the case evidently require a firm and energetic conduct on the part both of State and General Governments.

For more than three years, as already observed, certain laws of the United States have been obstructed in their execution by disorderly combinations. Not only officers, whose immediate duty it was to carry them into effect, have suffered violent personal outrage and injury, and destruction of property, at different times, but similar persecution has been extended to private citizens, who have aided, countenanced, or only complied with the laws. The violences committed have been so frequent, and such, in their degree, as to have been matter of general notoriety and alarm; and it may be added, that they have been abundantly within the knowledge and under the notice

of the judges and marshals of Pennsylvania, of superior as well as of inferior jurisdiction. If, in particular instances, they have been punished by the exertions of the magistrates, it is at least certain that their effects have been, in the main, ineffectual. The spirit has continued, and, with some intervals of relaxation, has been progressive, manifesting itself in reiterated excesses. The judiciary authority of the United States has, also, prior to the attempt which preceded the late crisis, made some fruitless efforts under a former marshal; an officer sent to execute process, was deterred from it by the manifest danger of proceeding. These particulars serve to explain the extent, obstinacy, and inveteracy of the evil.

But the facts which immediately decide the complexion of the existing crisis are these: Numerous delinquencies existed with regard to a compliance with the laws laying duties on spirits distilled within the United States, and upon stills. An armed banditti, in disguise, had recently gone to the house of an officer of the revenue in the night, attacked it, broke open the doors, and, by menaces of instant death, enforced by pistols presented at him, had compelled a surrender of his commission and books of office. Contemporary acts of violence had been perpetrated in other quarters. Processes issued out of a court of the United States to recover the penalties incident to non-compliance with the laws, and to bring to punishment the violent infractors of them in the above-mentioned case, against two of whom indictments had been found. The marshal of the district went in person to execute these processes. In the course of his duty he was actually fired upon on the high road by a body of armed men. Shortly after, other bodies of armed men (in the last instance amounting to several hundred persons) repeatedly attacked the house of the inspector of the revenue, with the declared intention of compelling him to renounce his office, and of obstructing the execution of the laws. One of these bodies of armed men made prisoner the marshal of the district, put him in jeopardy of his life, and did not release him till, for safety, and to obtain his liberty, he engaged to forbear the execution of the processes with which he was charged. In consequence of further requisitions and menaces of the insurgents, the marshal, together with the inspector of the revenue, have been since under the necessity of flying secretly, and by a circuitous route, from the scene of these transactions towards the seat of Government.

An associate justice, pursuant to the provisions of the laws for that purpose, has, in the manner already stated, officially notified the President of the existence of combinations in two of the counties of this State to obstruct the execution of the laws, too powerful to be suppressed by the judiciary authority, or by the powers of the marshal.

Thus, then, is it unequivocally and in due form ascertained, in reference to the Government of the United States, that the judiciary authority, after a fair and full experiment, has proved incompetent to enforce obedience to, or to punish infractions of the laws; that the strength and

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audacity of certain lawless combinations have baffled and destroyed the efforts of the judiciary authority to recover penalties or inflict punishment; and that this authority, by a regular notification of this state of things, has, in the last resort, as an auxiliary of the civil authority, claimed the intervention of the military power of the United States. It results, from these facts, that the case exists, when, according to the positions advanced by your excellency in reference to the State Government, the military power may, with due regard to all the requisite cautions, be rightfully interposed; and that the interposition of this power is called for, not only by principles of a firm and energetic conduct on the part of the General Government, but by the indispensable duty which the Constitution and the laws prescribe to the Executive of the United States.

In this conclusion your excellency's discernment, on mature reflection, cannot, it is presumed, fail to acquiesce; nor can it refuse its concurrence in the opinion which the President entertains, that he may reasonably expect, when called for, the zealous co-operation of the militia of Pennsylvania; that, as citizens, friends to law and order, they may comply with the call without anything that can properly be denominated "a passive obedience to the mandates of Government;" and that, as freemen, judging rightly of the cause and nature of the service proposed to them, they will feel themselves under the most sacred of obligations to accept and to perform it with alacrity. The theory of our political institutions knows no difference between the obligations of our citizens in such a case, whether it relate to the Government of the Union or of a State; and it is hoped and confided that a difference will be as little known to their affections or opinions.

Your excellency, it is also presumed, will as little doubt, on the like mature reflection, that in such a case the President could not, without an abdication of the undoubted rights and authorities of the United States and of his duty, postpone the measures for which the laws of the United States provide, to a previous experiment of the plan which is delineated in your letter.

The people of the United States have established a government for the management of their general interests. They have instituted executive organs for administering that government; and their representatives have established the rules by which those organs are to act. When their authority, in that of their Government, is attacked by lawless combinations of the citizens of part of a State, they could never be expected to approve that the care of vindicating their authority, of enforcing their laws, should be transferred from the officers of their own Government to those of a State; and this to wait the issue of a process so undeterminate in its duration as that which it is proposed to pursue; comprehending a further and full experiment of the judiciary authority of the State, a proclamation "to declare the sentiments of its Government, announce a determination to prosecute and punish offenders,

and to exhort the citizens at large to pursue a peaceable and patriotic conduct;" the sending of Commissioners "to address those who have embarked in the present combinations upon the lawless nature and ruinous tendency of their proceedings, to inculcate the necessity of an immediate return to the duty which they owe their country, and to promise, as far as the State is concerned, forgiveness of their past transactions, upon receiving a satisfactory assurance that in future they will submit to the laws," and finally, a call of the Legislature of Pennsylvania, "that the ultimate means of subduing the spirit of insurrection, and of restoring tranquillity and order, may be prescribed by their wisdom and authority."

If there were no other objection to a transfer of this kind, the very important difference which is supposed to exist in the nature and consequences of the offences that have been committed in the contemplation of the laws of the United States and those of Pennsylvania, would alone be a very serious obstacle.

The paramount considerations which forbid an acquiescence in this course of proceeding, render it unnecessary to discuss the probability of its success; else it might have been proper to test the considerations which have been mentioned as a ground of hope, by the inquiry, What was the precise extent of the success of past experiments? and especially, whether the execution of the revenue laws of Pennsylvania, within the scene in question, was truly and effectually accomplished by them; or, whether they did not rather terminate in a tacit compromise, by which appearances only were saved.

You are already, sir, advised, that the President, yielding to the impressions which have been stated, has determined to take measures for calling forth the militia, and that these measures contemplate the assembling a body of between twelve and thirteen thousand men from Pennsylvania, and the neighboring States of Virginia, Maryland, and New Jersey. The recourse thus early to the militia of the neighboring States, proceeds from a probability of the insufficiency of that of Pennsylvania alone to accomplish the object; your excellency having, in your conference with the President, confirmed the conclusion, which was deducible from the known local and other circumstances of the State, by the frank and express declaration which you made of your conviction of that insufficiency in reference to the number which could be expected to be drawn forth for the purpose.

But while the President has conceived himself to be under an indispensable obligation to prepare for that eventual resort, he has still consulted the sentiment of regret which he expressed to you at the possible necessity of an appeal to arms; and to avert it, if practicable, as well as to manifest his attention to the principle, that "a firm and energetic conduct does not preclude the exercise of a prudent and humane policy," he has (as you have been also advised) concluded upon the measure of sending, himself, Commissioners

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to the discontented counties, to make one more experiment of a conciliatory appeal to the reason, virtue, and patriotism of their inhabitants; and has also signified to you how agreeable would be to him your co-operation in the same expedient, which you have been pleased to afford. It can scarcely be requisite to add, that there is nothing he has more at heart than that the issue of this experiment, by establishing the authority of the laws, may preclude the always calamitous necessity of an appeal to arms. It would plant a thorn in the remainder of his path through life, to have been obliged to employ force against fellow-citizens, for giving solidity and permanency to blessings which it has been his greatest happiness to co-operate with them in procuring for a much-loved country.

The President receives with much pleasure the assurance you have repeated to him, that whatever requisition he may make, whatever duty he may impose, in pursuance of his constitutional and legal powers, will, on your part, be promptly undertaken and faithfully discharged; and acknowledging, as an earnest of this, and even more, the measures of co-operation which you are pursuing, he assures you in return, that he relies fully on the most cordial aid and support from you in every way which the Constitutions of the United States and of Pennsylvania shall authorize, and present or future exigencies may require.

And he requests that you will construe, with a reference to this assurance of his confidence, whatever remarks may have been made in the course of this reply to your letter, if it shall have happened that any of them have erred, through a misconception of the sentiments and views which you may have meant to communicate.

With perfect respect, I have the honor to be, sir your most obedient servant,

EDM. RANDOLPH,
Secretary of State.

His Excellency Governor MIFFLIN.

PHILADELPHIA, August 12, 1794.

SIR: The Secretary of State has transmitted to me, in a letter dated the 7th of August, (but only received yesterday,) your reply to my letter of the 5th instant.

For a variety of reasons, it might be desirable at this time to avoid an extension of our correspondence upon the subject to which those letters particularly relate; but the nature of the remarks contained in your reply, and the sincerity of my desire to merit, on the clearest principles, the confidence which you are pleased to repose in me, will justify, even under the present circumstances of the case, an attempt to explain any ambiguity and to remove any prejudices that may have arisen, either from an inaccurate expression, or an accidental misconception of the sentiments and views which I meant to communicate.

That the course which I have suggested as proper to be pursued in relation to the recent

disturbances in the western parts of Pennsylvania contemplates the State in a light too separate and unconnected, is a position that I certainly did not intend to sanction in any degree that could wound your mind with a sentiment of regret. In submitting the construction of the facts which must regulate the operations of the General Government implicitly to your judgment; in cautiously avoiding any reference to the nature of the evidence from which those facts are collected, or to the conduct which the Government of the United States might pursue; in declaring that I spoke only as the Executive Magistrate of the State, charged with a general superintendence and care that its laws be faithfully executed; and, above all, in giving a full and unequivocal assurance that whatever requisition you may make, whatever duty you may impose, in pursuance of your constitutional and legal powers, would, on my part, be promptly undertaken and faithfully discharged—I thought that I had manifested the strongest sense of my federal obligations, and that so far, from regarding the State in a separate and unconnected light, I had expressly recognised the subjection of her individual authority to the national jurisdiction of the Union.

It is true, however, sir, that I have only spoken as the Executive Magistrate of the State; but, in that character, it is a high gratification to find that, according to your opinion likewise, "the propriety of the course which I suggested would, in most, if not in all respects, be susceptible of little question." Permit me then to ask, In what other character could I have spoken, or what other language did the occasion require to be employed? If the co-operation of the Government of Pennsylvania was the object of our conference, your constitutional requisition as the Executive of the Union, and my official compliance as the Executive of the State, would indubitably insure it; but if a preliminary, a separate, an unconnected conduct was expected to be pursued by the Executive Magistrate of Pennsylvania, his separate and unconnected power and discretion must furnish the rule of proceeding; and by that rule, agreeably to the admission which I have cited, "the propriety of my course would, in most if not in all respects, be susceptible of little question." It must, therefore, in justice, be remembered, that a principal point in our conference related to the expediency of my adopting, independent of the General Government, a *preliminary* measure, (as it was then termed,) under the authority of an act of the Legislature of Pennsylvania, which was passed on the 22d of September 1793, and which the Attorney General of the United States thought to be in force, but which had in fact been repealed on the 11th of April, 1793.

Upon the strictest idea of co-operative measures, however, I do not conceive, sir, that any other plan could have been suggested, consistently with the powers of the Executive Magistrate of Pennsylvania, or with a reasonable attention, on my part, to a systematic and energetic course

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of proceeding. The complicated nature of the outrage which was committed upon the public peace, gave a jurisdiction to both Governments; but in the mode of prosecuting or in the degree of punishing the offenders, that circumstance could not, I apprehend, alter or enlarge the powers of either. The State (as I observed in my last letter,) could only exert itself in executing the laws or maintaining the authority of the Union, by the same means which she employed to execute and maintain her more peculiarly municipal laws and authority; and hence I inferred, and still venture to infer, that if the course which I have suggested is the same that would have been pursued, had the riot been unconnected with the system of federal policy, its propriety cannot be rendered questionable merely by taking into our view (what I never have ceased to contemplate,) the existence of a Federal Government, federal laws, federal judiciary, and federal officers. But would it have been thought more consonant with the principle of co-operation, had I issued orders for an immediate, a separate, and an unconnected call of the militia, under the special authority which was supposed to be given by a law, or under the general authority which may be presumed to result from the Constitution? Let it be considered that you had already determined to exercise your legal powers in drafting a competent force of the militia, and it will be allowed, that if I had undertaken, not only to comply promptly with your requisition, but to embody a distinct corps for the same service, a useless expense would have been incurred by the State, an unnecessary burden would have been imposed on the citizens, and embarrassment and confusion would probably have been introduced, instead of system and co-operation. Regarding it in this point of light, indeed, it may be natural to think that, in the judiciary as well as the military department, the subject should be left entirely to the management either of the State or of the General Government; for "the very important difference which is supposed to exist in the nature and consequences of the offences that have been committed, in the contemplation of the laws of the United States and those of Pennsylvania," must otherwise destroy that uniformity in the distinction of crimes and the apportionment of punishments, which has always been deemed essential to a due administration of justice.

But let me not, sir, be again misunderstood. I do not mean by these observations to intimate an opinion or to express a wish, that "the care of vindicating the authority or of enforcing the laws of the Union should be transferred from the officers of the General Government to those of the State;" nor, after expressly avowing that I had cautiously avoided any reference to the conduct which the Government of the United States might pursue on this important occasion, did I think an opportunity could be found to infer that I was desirous of imposing a suspension of your proceedings, for the purpose of waiting the issue of the process which I designed to pursue. If,

indeed, "the Government of the United States was at that point where, it was admitted, if the Government of Pennsylvania was, the employment of force by its authority would be justifiable," I am persuaded that, on mature consideration, you will do more credit to my candor than to suppose that I meant to condemn or to prevent the adoption of those measures on the part of the General Government which, in the same circumstances, I should have approved and promoted on the part of Pennsylvania. The extracts that are introduced into the letter of the Secretary of State, in order to support that inference, can only be justly applied to the case which was immediately in contemplation—the case of the State of Pennsylvania, whose judiciary authority had not then, in my opinion, been sufficiently tried. They ought not, surely, be applied to a case which I had cautiously excluded from my view: the case of the United States, whose judiciary authority had, in your opinion, proved inadequate to the execution of the laws and the preservation of order. And if they shall be thus limited to their proper object, the justice and force of the argument which flows from them can never be successfully controverted or denied. While you, sir, were treading in the plain path designated by a positive law, with no other care than to preserve the forms which the Legislature had prescribed, and relieved from a weight of responsibility by the legal operation of a judge's certificate, I was called upon to act, not in conformity to a positive law, but in compliance with the duty which is supposed to result from the nature and constitution of the Executive office.

The Legislature had prescribed no forms to regulate my course; no certificate to inform my judgment; every step must be directed by my own discretion; and every error of construction or conduct would be charged on my own character. Hence arose an essential difference in our official situations; and I am confident that on this ground alone you will perceive a sufficient motive for my considering the objection, in point of law, to forbear the use of military force, until the judiciary authority had been tried, as well as the probable effects, in point of policy, which that awful appeal might produce.

For, sir, it is certain that, at the time of our conference, there was no satisfactory evidence of the incompetency of the judicial authority of Pennsylvania to vindicate the violated laws: I, therefore, could not, as Executive Magistrate, proceed upon a military plan; but actuated by the genuine spirit of co-operation, not by a desire to sully the dignity or to alienate the powers of the General Government, I still hoped and expected to be able on this, as on former occasions, to support the laws of the Union, or to punish the violators of them, by an exertion of the civil authority of the State Government, the State judiciary, and the State officers. This hope prompted the conciliatory course which I determined to pursue, and which, so far as respects the appointment of Commissioners, you have been pleased to incorporate with your plan. And if, after all,

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the purposes of justice could be attained, obedience to the laws could be restored, and the horrors of a civil war could be averted, by the auxiliary intervention of the State Government, I am persuaded you will join me in thinking that the idea of placing the State in a separate and unconnected point of view, and the idea of making a transfer of the powers of the General Government are not sufficiently clear or cogent to supersede such momentous considerations.

Having thus generally explained the principles contained in my letter of the 5th instant, permit me (without adverting to the material change that has since occurred in the state of our information, relative to the riots, and which is calculated to produce a corresponding change of sentiments and conduct) to remark, that many of the facts that are mentioned by the Secretary of State, in order to show that the judiciary authority of the Union, after a fair and full experiment, had proved incompetent to enforce obedience, or to punish infractions of the laws, were, before that communication, totally unknown to me. But still, if it shall not be deemed a deviation from the restriction that I have determined to impose upon my correspondence, I would offer some doubts which, in that respect, occurred to my mind on the evidence, as it appeared at the time of our conference.

When I found that the marshal had, without molestation, executed his office in the county of Fayette, that he never was insulted or opposed until he acted in company with General Neville, and that the virulence of the rioters was directly manifested against the person and property of the latter gentleman, and only incidentally against the person of the former, I thought there was ground yet to suppose (and as long as it was reasonable I wished to suppose) that a spirit of opposition to the officers employed under the excise law, and not a spirit of opposition to the officers employed in the administration of justice, was the immediate source of the outrages which we deprecate. It is true that these sources of opposition are equally reprehensible, and that their effects are alike unlawful: but on a question respecting the power of the judiciary authority to enforce obedience, or to punish infractions of the law, it seemed to be material to discriminate between the cases alluded to, and to ascertain with precision the motives and the object of the rioters. Again; as the associate judge had not, at that time, issued his certificate, it was proper to scrutinize with strict attention the nature of the evidence on which an act of Government was to be founded.

The Constitution of the Union, as well as of the State, had cautiously provided, even in the case of an individual, that "no warrant should issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." And a much higher degree of caution might reasonably be exercised in a case that involved a numerous body of citizens in the imputation of treason or felony, and required a sub-

stitution of the military for the judicial instruments of coercion. The only affidavits that I recollect to have appeared at the time of our conference, were those containing the hearsay of Colonel Mentges, and the vague narrative of the post rider. The letters that had been received from a variety of respectable citizens, not being written under the sanction of an oath or affirmation, could not acquire the legal force and validity of evidence from a mere authentication of the signatures of the respective writers. Under such circumstances doubts arose, not whether the means which the laws prescribe for effectuating their own execution should be exerted, but whether the existence of a specific case, to which specific means of redress were appropriated by the laws, had been legally established; not whether the laws, the Constitution, the Government, the principles of social order, and the bulwarks of private right and security should be sacrificed, but whether the plan proposed was the best calculated to preserve those inestimable blessings. And, recollecting a declaration which was made in your presence, "that it would not be enough for a military force to disperse the insurgents, and to restore matters to the situation in which they were, two or three weeks before the riots were committed, but that the force must be continued for the purpose of protecting the officers of the revenue, and securing a perfect acquiescence in the obnoxious law," I confess, sir, the motives to caution and deliberation strike my mind with accumulated force. I hope, however, that it will never be seriously contended that a military force ought now to be raised with any view but to suppress the rioters; or that, if raised with that view, it ought to be employed for any other. The dispersion of the insurgents is, indeed, obviously the sole object for which the act of Congress has authorized the use of military force, on occasions like the present, for, with a generous and laudable precaution, it expressly provides that, even before that force may be called forth, a proclamation shall be issued, commanding the insurgents to disperse, and retire peaceably to their respective abodes within a limited time.

But the force of these topics I again refer implicitly to your decision; convinced, sir, that the goodness of your intentions now, not less than heretofore, merits an affectionate support from every description of your fellow-citizens. For my own part, I derive a confidence from the heartfelt integrity of my views, and the sincerity of my professions, which renders me invulnerable by any insinuation of practising a sinister or deceitful policy.

I pretend not to infallibility in the exercise of my private judgment, or in the discharge of my public functions; but in the ardor of my attachment, and in the fidelity of my services to our common country, I feel no limitation; and your excellency, therefore, may justly be assured that, in every way which the Constitutions of the United States and of Pennsylvania shall authorize and present, or future exigencies may require, you will receive my most cordial aid and support.

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I am, with perfect respect, sir, your excellency's most obedient humble servant,

THOS. MIFFLIN.

The PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, August 30, 1794.

SIR: I am directed by the President to acknowledge the receipt, on the 17th, of your excellency's letter dated the 12th instant.

The President feels with you the force of the motives which render undesirable an extension of correspondence on the subject in question. But the case being truly one of great importance and delicacy, these motives must yield, in a degree, to the propriety and utility of giving precision to every part of the transaction, and guarding effectually against ultimate misapprehension.

To this end it is deemed advisable, in the first place, to state some facts which either do not appear, or are conceived not to have assumed an accurate shape in your excellency's letter. They are these:

1. You were informed at the conference that all the information which had been received had been laid before an associate justice, in order that he might consider and determine whether such a case as is contemplated by the second section of the act which provides for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, had occurred; that is, whether combinations existed too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshal by that act; in which case the President is authorized to call forth the militia to suppress the combinations, and to cause the laws to be duly executed.

2. The idea of a preliminary proceeding by you was pointed to an eventual co-operation with the Executive of the United States, in such plan as, upon mature deliberation, should be deemed advisable, in conformity with the laws of the Union. The inquiry was particularly directed towards the possibility of some previous accessory step in relation to the militia, to expedite the calling them forth if an acceleration should be judged expedient and proper, and if any delay on the score of evidence should attend the notification from a judge, which the laws make the condition of the power of the President to require the aid of the militia, and turned more especially upon the point, whether the law of Pennsylvania of the 22d of September, 1783, was or was not still in force. The question emphatically was: Has the Executive of Pennsylvania power to put the militia in motion, previous to a requisition from the President, under the laws of the Union, if it shall be thought advisable so to do? Indeed, it seems to be admitted by one part of your letter, that the preliminary measure contemplated did turn on this question, and with a particular eye to the authority and existence of the act just mentioned.

3. The information contained in the papers read at the conference, besides the violence offer-

ed to the marshal, while in company with the inspector of the revenue, established that the marshal had been afterwards made prisoner by the insurgents, put in jeopardy of his life, had been obliged to obtain safety and liberty by a promise guaranteed by Colonel Presby Neville, that he would serve no other process on the west side of the Allegany mountain; that, in addition to this, a deputation of the insurgents had gone to Pittsburgh to demand of the marshal a surrender of the processes in his possession, under the intimation that it would satisfy the people and add to his safety; which necessarily implied that he would be in danger of further violence without such a surrender. That, under the influence of this menace, he had found it necessary to seek security by taking secretly, and in the night, a circuitous route.

This recapitulation is not made to invalidate the explanation offered in your last letter of the view of the subject, which you assert to have led to the suggestions contained in your first, and of the sense which you wish to be received as that of the observations accompanying those suggestions. It is intended solely to manifest that it was natural for the President to regard your communication of the 5th instant in the light under which it is presented in the reply to it.

For, having informed you that the matter was before an associate justice, with a view to the law of the United States which has been mentioned, and having pointed out what was said respecting a preliminary proceeding on your part to a call of the militia under the authority of a State law, by anticipation of a requisition from the General Government, and in co-operation with an eventual plan to be founded upon the laws of the Union, it was not natural to expect that you would have presented a plan of conduct entirely on the basis of the State Government, even to the extent of resorting to the Legislature of Pennsylvania, after its judiciary had proved incompetent "to prescribe by their wisdom and authority the means of subduing the spirit of insurrection, and of restoring tranquillity and order;" a plan which, being incompatible with the course marked out in the laws of the United States, evidently could not have been acceded to without a suspension, for a long and indefinite period, of the movements of the Federal Executive pursuant to those laws. The repugnancy and incompatibility of the two modes of proceeding at the same time cannot, it is presumed, be made a question.

Was it extraordinary, then, that the plan suggested should have been unexpected, and that it should even have been thought liable to the observation of having contemplated Pennsylvania in a light too separate and unconnected?

The propriety of the remark, "that it was impossible not to think that the current of the observations in your letter might be construed to imply a virtual disapprobation of that plan of conduct on the part of the General Government, in the actual stage of its affairs, which you acknowledged would be proper on the part of the Government of Pennsylvania, if arrived at a similar stage,"

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must be referred to the general tenor and complexion of those observations, and to the inference they were naturally calculated to inculcate. If this inference was, that under the known circumstances of the case, the employment of force to suppress the insurrection was improper, without a long train of preparatory expedients: and if, in fact, the Government of the United States (which has not been controverted) was at that point where it was admitted that the Government of Pennsylvania being arrived, a resort to force on its part would be proper, the impression which was made could not have been effaced by the consideration that the forms of referring what concerned the Government of the Union to the judgment of its own Executive were carefully observed. There was no difficulty in reconciling the intimation of an opinion unfavorable to a particular course of proceeding with an explicit reference of the subject (officially speaking) to the judgment of the officer charged by the Constitution to decide, and with a sincere recognition of the subjection of the individual authority of the State to the national jurisdiction of the Union.

The disavowal by your excellency of an intention to sanction the inference which was drawn, renders what has been said a mere explanation of the cause of that inference, and of the impression which it at first made.

It would be foreign to the object of this letter to discuss the various observations which have been adduced to obviate a misapprehension of your views, and to maintain the propriety of the course pursued in your first communication. It is far more pleasing to the President to understand you in the sense you desire, and to conclude that no opinion has been indicated by you inconsistent with that which he has entertained of the state of things and of his duty in relation to it. And he remarks, with satisfaction, the effect which subsequent information is supposed to be calculated to produce favoring an approximation of sentiment.

But there are a few miscellaneous points which, more effectually to prevent misconception any where, seem to demand a cursory notice.

You observe that the President had already determined to exercise his legal powers in draughting a competent force of the militia. At the point of time to which you are understood to refer, namely, that of the conference, the President had no legal power to call forth the militia. No judge had yet pronounced that a case justifying the exercise of that power existed. You must be sensible, sir, that all idea of your calling out the militia by your authority was referred to a state of things antecedent to the lawful capacity of the President to do it by his own authority; and when he had once determined upon the call, pursuant to his legal powers, it were absurd to have proposed to you a separate and unconnected call. How, too, it might be asked, could such a determination, if it had been made, and was known to you, have comported with the plan suggested in your letter, which pre-supposes that the employ-

ment of force had not already been determined upon? This passage of your letter is therefore construed to mean only that the President had manifested an opinion predicated upon the event of such a notification from a judge, as the law prescribes, that the nature of the case was such as would probably require the employment of force. You will also, it is believed, recollect that he had not at the time finally determined upon anything, and that the conference ended with referring the whole subject to further consideration.

You say that, if you had undertaken, not only to comply promptly with the President's requisition, but to embody a distinct corps for the same service, a useless expense would have been incurred by the State, an unnecessary burden would have been imposed on the citizens, and embarrassment and confusion would probably have been introduced instead of system and co-operation. But both were never expected. Your embodying the militia independent of a requisition from the President was never thought of, except as a preliminary and auxiliary step. Had it taken place when the requisition came, the corps embodied would have been ready towards a compliance with it, and no one of the inconveniences suggested could possibly have arisen.

You say in another place, that you "were called upon to act, not in conformity to a positive law, but in compliance with the duty which is supposed to result from the nature and constitution of the Executive office." It is conceived that it would have been more correct to have said, "you were called upon to be consulted whether you had power in the given case to call forth the militia without a previous requisition from the General Government." The supposition that you might possess this power was referred to a law of Pennsylvania, which appeared, on examination, to have been repealed. A gentleman who accompanied you thought that the power, after a due notification of the incompetency of the Judiciary, might be deduced from the nature and constitution of the Executive office.

It has appeared to your excellency fit and expedient to animadvert upon the nature of the evidence produced at the conference, and to express some doubts which had occurred to your mind concerning it.

As the laws of the United States have referred the evidence in such cases to the judgment of a district judge or associate justice, and, foreseeing that circumstances so peculiar might arise as to render rules relating to the ordinary and peaceable state of society inapplicable, have forborne to prescribe any, leaving it to the understanding and conscience of the judge, upon his responsibility, to pronounce what kind and degree of evidence should suffice, the President would not sanction a discussion of the standard or measure by which evidence in those cases ought to be governed. He would restrain himself by the reflection that this appertains to the province of another, and that he might rely as a guide upon the decision which should be made by the proper organ of the laws for that purpose.

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But it may be no deviation from this rule to notice to you that the facts stated in the beginning of this letter, under the third head, appear to have been overlooked in your survey of the evidence, while they seem to be far from immaterial to a just estimate of it.

You remark that, "when you found that the marshal had, without molestation, executed his office in the county of Fayette, that he never was insulted or opposed till he acted in company with General Neville, and that the virulence of the rioters was directly manifested against the person and property of the latter gentleman, and only incidentally against the person of the former, you thought there was ground yet to suppose that a spirit of opposition to the officers employed under the excise law, and not a spirit of opposition to the officers employed in the administration of justice, was the immediate source of the outrages which are deprecated."

It is natural to inquire how this supposition could consist with the additional facts which appeared by the same evidence, namely, that the marshal, having been afterwards made prisoner by the rioters, had been compelled, for obtaining safety and liberty, to promise to execute no more processes within the discontented scene; and that subsequently again to this, in consequence of a deputation of the rioters deliberately sent to demand a surrender of the processes in his possession, enforced by a threat, he had found it necessary to seek security in withdrawing by a secret and circuitous route. Did not these circumstances unequivocally denote that officers employed in the administration of justice were as much objects of opposition as those employed in the execution of the particular laws, and that the rioters were at least consistent in their plan?

It must needs be that these facts escaped your excellency's attention, else they are too material to have been omitted in your review of the evidence, and too conclusive not to have set aside the supposition which you entertained, and which seems to have had no great a share in your general view of the subject.

There remains only one point on which your excellency will be longer detained—a point, indeed, of great importance, and consequently demands serious and careful reflection. It is the opinion you so emphatically express, that the mere *dispersion* of the insurgents is the sole object for which the militia can be lawfully called out, or kept in service after they may have been called out.

The President reserves to the last moment the consideration and decision of this point.

But there are arguments weighing heavily against the opinion you have expressed, which, in the meantime, are offered to your candid consideration.

The Constitution of the United States (article 1, section 8) empowers Congress "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;" evidently, from the wording and distribution of the sentence, contemplating the execution

of the laws of the Union as a thing distinct from the suppression of insurrections.

The act of May 2, 1792, for carrying this provision of the Constitution into effect, adopts for its title the very words of the Constitution, being "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions"—continuing the constitutional distinction.

The first section of the act provides for the cases of invasion and of insurrection, confining the latter to the case of insurrection against the Government of a State. The second section provides for the case of the execution of the laws being obstructed by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals.

The words are these: "Whenever the laws of the United States shall be opposed, or the execution thereof obstructed in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceeding, or by the powers vested in the marshals by this act, the same being notified to the President of the United States by an associate justice or the district judge, it shall be lawful for the President of the United States to call forth the militia of such State to suppress such combinations, and to cause the laws to be duly executed." Then follows a provision for calling forth the militia of other States.

The terms of this section appear to contemplate and describe something that may be less than insurrection. "The combinations" mentioned may indeed amount to insurrections, but it is conceivable that they may stop at associations not to comply with the law, supported by riots, assassinations, and murders, and by a general spirit in a part of the community which may baffle the ordinary judiciary means, with no other aid than the *posse comitatus*, and may even require the stationing of military force, for a time, to awe the spirit of riot and countenance the magistrates and officers in the execution of their duty. And the objects for which the militia are to be called are expressly, not only to suppress these combinations, (whether amounting to insurrections or not,) but to cause the laws to be duly executed.

It is therefore plainly contrary to the manifest general intent of the Constitution and of this act, and to the positive and express terms of the second section of the act, to say that the militia called forth are not to be continued in service for the purpose of causing the laws to be duly executed, and, of course, till they are so executed.

What is the main and ultimate object of calling forth the militia? "To cause the laws to be executed." Which are the laws to be executed? Those which are opposed and obstructed in their execution by the combinations described in the present case—the laws laying duties upon spirits distilled within the United States, and upon stills; and, incidentally, those which uphold the judiciary functions. When are the laws executed? Clearly, when the opposition is subdued; when

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penalties for disobedience can be enforced; when a compliance is effectuated.

Would the mere dispersion of insurgents, and their retiring to their respective homes, do this? Would it satisfy either member of the provision—the suppression of the combinations or the execution of the laws? Might not the former, notwithstanding the dispersion, continue in full vigor, ready at any moment to break out into new acts of resistance to the laws? Are the militia to be kept perpetually marching and countermarching towards the insurgents while they are embodied, and from them when they have separated and retired? Suppose the insurgents hardy enough to wait the experiment of a battle, are vanquished, and then disperse and retire home, are the militia immediately to retire also, to give them an opportunity to reassemble, recruit, and prepare for another battle? And is this to go on and be repeated without limit?

Such a construction of the law, if true, were certainly a very unfortunate one, rendering its provisions essentially nugatory, and leading to endless expense, and as endless disappointment. It could hardly be advisable to vex the militia by marching them to a distant point, where they might scarcely be arrived before it would be legally necessary for them to return, not in consequence of having effected their object—of having “caused the laws to be executed”—but in consequence of the mere stratagem of a deceitful dispersion and retiring.

Thus far the spirit as well as the positive letter of the law combats the construction which you have adopted. It remains to see if there be any other part of it which compels to a renunciation both of the letter and spirit of the antecedent provisions.

The part which seems to be relied upon for this effect is the third section, which, by way of proviso, enjoins “that whenever it may be necessary, in the judgment of the President, to use the military force by that act directed to be called forth, he shall forthwith and previous thereto, by proclamation, command the insurgents to disperse and retire peaceably to their respective abodes, within a limited time.” But does this affirm, does it even necessarily imply, that the militia, after the dispersion and retiring, are not to be used for the purpose for which they are authorized to be called forth; that is, “to cause the laws to be duly executed; to countenance by their presence, and in case of further resistance, to protect and support, by their strength, the respective civil officers in the execution of their several duties, whether for bringing delinquents to punishment, or otherwise for giving effect to the laws? May not the injunction of this section be regarded as a merely humane and prudent precaution, to distinguish, previous to the actual application of force, a hasty tumult from a deliberate insurrection? To give an opportunity for those who may be accidentally or inadvertently mingled in a tumult or disorderly rising, to separate and withdraw from those who are designedly and deliberately actors? To prevent, if possible, bloodshed in a conflict of

arms; and, if this cannot be done, to render the necessity of it palpable, by a premonition to the insurgents to disperse and go home? And are not all these objects compatible with the further employment of the militia for the ulterior purpose of causing the laws to be executed in the way which has been mentioned? If they present a rational end for the proviso, without defeating the main design of the antecedent provision, it is clear they ought to limit the sense of the former, and exclude a construction which must make the principal provision nugatory.

Do not the rules of law and reason unite in declaring that the different parts of a statute shall be so construed as, if possible, to consist with each other; that a *proviso* ought not to be understood or allowed to operate in a sense tending to defeat the principal clause; and that an implication (if, indeed, there be any such implication as is supposed in the present case) ought not to overrule an express provision, especially at the sacrifice of the manifest general intent of a law, which, in the present case, undoubtedly is, that the militia shall be called forth “to cause the laws to be duly executed?”

Though not very material to the merit of the argument, it may be remarked that the proviso which forms the third section contemplates merely the case of insurrection. If the combinations described in the second section may be less than insurrection, then the proviso is not commensurate with the whole case contained in the second section, which would be an additional circumstance to prove that it cannot work an effect which shall be a substitute for the main purpose of the first section.

I have the honor to be, with perfect respect,
sir, your excellency's most obedient servant,

EDM. RANDOLPH.

His Excellency Governor MIFFLIN.

TREASURY DEPARTMENT,
August 5, 1794.

SIR: The disagreeable crisis at which matters have lately arrived in some of the western counties of Pennsylvania, with regard to the laws laying duties on spirits distilled within the United States, and on stills, seems to render proper a review of the circumstances which have attended those laws in that scene, from their commencement to the present time, and of the conduct which has hitherto been observed on the part of the Government, its motives and effect, in order to a better judgment of the measures necessary to be pursued in the existing emergency.

The opposition to those laws in the four most western counties of Pennsylvania. (Alleghany, Washington, Fayette, and Westmoreland,) commenced as early as they were known to have been passed. It has continued, with different degrees of violence, in the different counties and at different periods; but Washington has uniformly distinguished its resistance by a more excessive spirit than has appeared in the other counties, and

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seems to have been chiefly instrumental in kindling and keeping alive the flame.

The opposition first manifested itself in the milder shape of the circulation of opinions unfavorable to the law, and calculated, by the influence of public disesteem, to discourage the accepting or holding of offices under it, or the complying with it by those who might be so disposed; to which was added a show of the discontinuance of the business of distilling.

These expedients were shortly after succeeded by private associations to forbear compliances with the law. But it was not long before these mere negative modes of opposition were perceived to be likely to prove ineffectual. And in proportion as this was the case, and as the means of introducing the laws into operation were put into execution, the disposition to resistance became more turbulent, and more inclined to adopt and practise violent expedients; the officers now began to experience marks of contempt and insult; threats against them became more frequent and loud; and, after some time, these threats were ripened into acts of ill-treatment and outrage.

These acts of violence were preceded by certain meetings of malcontent persons, who entered into resolutions calculated at once to confirm, inflame, and systematize the spirit of opposition.

The first of these meetings was held at a place called Redstone, (Old Fort,) on the 27th of July, 1791, where it was concerted that county committees should be convened in the four counties, at the respective seats of justice therein. On the 23d of August following, one of these committees assembled in the county of Washington.

This meeting passed some intemperate resolutions, which were afterwards printed in the *Pittsburg Gazette*, containing a strong censure on the law, declaring that any person who had accepted or might accept an office under Congress, in order to carry it into effect, should be considered as inimical to the interests of the country; and recommending to the citizens of Washington county to treat every person who had accepted, or might hereafter accept, any such office, with contempt, and absolutely to refuse all kind of communication or intercourse with the officers, and to withhold from them all aid, support, or comfort.

Not content with this vindictive proscription of those who might esteem it their duty, in the capacity of officers, to aid in the execution of the constitutional laws of the land, the meeting proceeded to accumulate topics of crimination of the Government, though foreign to each other; authorizing by this zeal for censure a suspicion that they were actuated not merely by the dislike of a particular law, but by a disposition to render the Government itself unpopular and odious.

This meeting, in further prosecution of their plan, deputed three of their members to meet delegates from the counties of Westmoreland, Fayette, and Alleghany, on the first Tuesday of September following, for the purpose of expressing the sense of the people of those counties in an address to the Legislature of the United States upon the subject of the excise law and other grievances.

Another meeting accordingly took place on the 7th of September, 1791, at Pittsburg, in the county of Alleghany, at which there appeared persons in character of delegates from the four western counties.

This meeting entered into resolutions more comprehensive in their objects, and not less inflammatory in their tendency, than those which had before passed the meeting in Washington. Their resolutions contained severe censures not only on the law which was the immediate subject of objection, but upon what they termed the exorbitant salaries of officers; the unreasonable interest of the public debt; the want of discrimination between original holders and transferees, and the institution of a national bank. The same unfriendly temper towards the Government of the United States, which seemed to have led out of their way the meeting at Washington, appears to have produced a similar wandering in that at Pittsburg.

A representation to Congress, and a remonstrance to the Legislature of Pennsylvania, against the law more particularly complained of, were prepared by this meeting, published, together with their other proceedings, in the *Pittsburg Gazette*, and afterwards presented to the respective bodies to whom they were addressed.

These meetings, composed of very influential individuals, and conducted without moderation or prudence, are justly chargeable with the excesses which have been from time to time committed; serving to give consistency to an opposition which has at length matured to a point that threatens the foundations of the Government and of the Union, unless speedily and effectually subdued.

On the 6th of the same month of September, the opposition broke out in an act of violence upon the person and property of Robert Johnson, collector of the revenue for the counties of Alleghany and Washington.

A party of men, armed and disguised, waylaid him at a place on Pigeon creek, in Washington county, seized, tarred and feathered him, cut off his hair, and deprived him of his horse, obliging him to travel on foot a considerable distance in that mortifying and painful situation.

The case was brought before the District Court of Pennsylvania, out of which processes issued against John Robertson, John Hamilton, and Thomas McComb, three of the persons concerned in the outrage.

The serving of these processes was confided by the then marshal, Clement Biddle, to his deputy, Joseph Fox, who, in the month of October, went into Alleghany county for the purpose of serving them.

The appearances and circumstances which Mr. Fox observed himself in the course of his journey, and learned afterwards upon his arrival at Pittsburg, had the effect of deterring him from the service of the processes, and unfortunately led him to adopt the injudicious and fruitless expedient of sending them to the parties by a private messenger, under cover.

The deputy's report to the marshal states a

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number of particulars, evincing a considerable fermentation in the part of the country to which he was sent, and inducing a belief, on his part, that he could not with safety have executed the processes. The marshal, transmitting this report to the district attorney, makes the following observations upon it: "I am sorry to add that he (the deputy) found the people, in general, in the western part of the State, and particularly beyond the Allegany mountains, in such a ferment on account of the act of Congress for laying a duty on distilled spirits, and so much opposed to the execution of the said act, and from a variety of threats to himself personally, (although he took the utmost precaution to conceal his errand,) that he was not only convinced of the impossibility of serving the process, but that any attempt to effect it would have occasioned the most violent opposition from the greater part of the inhabitants; and he declares that, if he had attempted it, he believes he should not have returned alive.

"I spared no expense or pains to have the process of the court executed, and have not the least doubt that my deputy would have accomplished it, if it could have been done."

The reality of the danger to the deputy was countenanced by the opinion of General Neville, the inspector of the revenue, and a man who before had given, and since has given, numerous proofs of a steady and firm temper; and what followed is a further confirmation of it.

The person who had been sent with the processes was seized, whipped, tarred, and feathered; and, after having his money and horse taken from him, was blindfolded and tied in the woods; in which condition he remained for five hours.

Very serious reflections naturally occurred upon this occasion. It seemed highly probable, from the issue of the experiment which had been made, that the ordinary course of civil process would be ineffectual for enforcing the execution of the law in the scene in question, and that a perseverance in this course might lead to a serious concussion. The law itself was still in the infancy of its operation, and far from established in other important portions of the Union. Prejudices against it had been industriously disseminated, misrepresentations diffused, misconceptions fostered. The Legislature of the United States had not yet organized the means by which the Executive could come in aid of the Judiciary, when found incompetent to the execution of the laws. If neither of these impediments to a decisive exertion had existed, it was desirable, especially in a Republican Government, to avoid what is in such cases the ultimate resort, till all the milder means had been tried without success.

Under the united influence of these considerations, it appeared advisable to forbear urging coercive measures until the laws had gone into more extensive operation; till further time for reflection and experience of its operation had served to correct false impressions, and inspired greater moderation; and until the Legislature had had an opportunity, by a revision of the law, to remove

as far as possible objections, and to reinforce the provisions for securing its execution.

Other incidents occurred, from time to time, which are further proofs of the very improper temper that prevailed among the inhabitants of the refractory counties.

Mr. Johnson was not the only officer who, about the same period, experienced outrage. Mr. Wells, collector of the revenue for Westmoreland and Fayette, was also ill-treated at Greensburg and Uniontown. Nor were the outrages perpetrated confined to the officers; they extended to private citizens, who only dared to show their respect for the laws of their country.

Some time in October, 1791, an unhappy man, of the name of Wilson, a stranger in the county, and manifestly disordered in his intellects, imagining himself to be a collector of the revenue, or invested with some trust in relation to it, was so unlucky as to make inquiries concerning distillers who had entered their stills, giving out that he was to travel through the United States to ascertain and report to Congress the number of stills, &c. This man was pursued by a party in disguise, taken out of his bed, carried about five miles back to a smith's shop, stripped of his clothes, which were afterwards burnt, and, having been himself inhumanly burnt in several places with a heated iron, was tarred and feathered, and about day-light dismissed, naked, wounded, and otherwise in a very suffering condition. These particulars are communicated in a letter from the inspector of the revenue of the 17th of November, who declares that he had then himself seen the unfortunate maniac, the abuse of whom, as he expresses it, exceeded description, and was sufficient to make human nature shudder. The affair is the more extraordinary, as persons of weight and consideration in that county are understood to have been actors in it, and as the symptoms of insanity were, during the whole time of inflicting the punishment, apparent; the unhappy sufferer displaying the heroic fortitude of a man who conceived himself to be a martyr to the discharge of some important duty.

Not long after, a person of the name of Roseberry underwent the humiliating punishment of tarring and feathering, with some aggravations, for having in conversation hazarded the very natural and just, but unpalatable remark, that the inhabitants of that county could not reasonably expect protection from a Government whose laws they so strenuously opposed.

The audacity of the perpetrators of these excesses was so great, that an armed banditti ventured to seize and carry off two persons who were witnesses against the rioters in the case of Wilson, in order to prevent their giving testimony of the riot to a court then sitting, or about to sit.

Designs of personal violence against the inspector of the revenue himself, to force him to a resignation, were repeatedly attempted to be put in execution by armed parties, but, by different circumstances, were frustrated.

In the session of Congress which commenced in October, 1791, the law laying a duty on distill-

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ed spirits and stills came under the revision of Congress, as had been anticipated. By an act passed May 8, 1792, during that session, material alterations were made in it; among these, the duty was reduced to a rate so moderate as to have silenced complaint on that head; and a new and very favorable alternative was given to the distiller—that of paying a monthly instead of a yearly rate, according to the capacity of his still, with liberty to take a license for the precise term which he should intend to work it, and to renew that license for a further term or terms.

This amending act, in its progress through the Legislature, engaged the particular attention of members, who themselves were interested in distilleries, and of others who represented parts of the country in which the business of distilling was extensively carried on.

Objections were well considered, and great pains taken to obviate all such as had the semblance of reasonableness.

The effect has, in a great measure, corresponded with the views of the Legislature. Opposition has subsided in several districts where it before prevailed, and it was natural to entertain, and not easy to abandon a hope, that the same thing would by degrees have taken place in the four western counties of this State.

But notwithstanding some flattering appearances at particular junctures, and infinite pains, by various expedients, to produce the desirable issue, the hope entertained has never been realized, and is now at an end, as far as the ordinary means of executing laws are concerned.

The first law had left the number and positions of the offices of inspection, which were to be established in each district for receiving entries of stills, to the discretion of the supervisor. The second, to secure a due accommodation to distillers, provides, peremptorily, that there shall be one in each county.

The idea was immediately embraced that it was a very important point in the scheme of opposition to the law, to prevent the establishment of offices in the respective counties.

For this purpose, the intimidation of well-disposed inhabitants was added to the plan of molesting and obstructing the officers, by force or otherwise, as might be necessary. So effectually was the first point carried, (the certain destruction of property and the peril of life being involved,) that it became almost impracticable to obtain suitable places for offices in some of the counties; and, when obtained, it was found a matter of necessity, in almost every instance, to abandon them.

After much effort, the inspector of revenue succeeded in procuring the house of William Faulkner, a Captain in the Army, for an office of inspection in the county of Washington. This took place in August, 1792. The office was attended by the inspector of the revenue in person, till prevented by the following incidents:

Captain Faulkner, being in pursuit of some deserters from the troops, was encountered by a number of people, in the same neighborhood where Mr. Johnson had been ill-treated the preceding

year, who reproached him with letting his house for an office of inspection, drew a knife upon him, threatened to scalp him, tar and feather him, and reduce his house and property to ashes, if he did not solemnly promise to prevent the further use of his house for an office. Captain Faulkner was induced to make the promise exacted; and, in consequence of the circumstance, wrote a letter to the inspector, dated the 20th of August, countermanding the permission for using his house, and the day following gave a public notice in the *Pittsburg Gazette* that the office of inspector should be no longer kept there.

At the same time another engine of opposition was in operation. Agreeable to a previous notification, there met at Pittsburg, on the 21st of August, a number of persons, styling themselves "A meeting of sundry inhabitants of the western counties of Pennsylvania."

This meeting entered into resolutions not less exceptionable than those of its predecessors. The preamble suggests that a tax on spirituous liquors is unjust in itself and oppressive upon the poor; that internal taxes upon consumption must, in the end, destroy the liberties of every country in which they are introduced; that the law in question, from certain local circumstances, which are specified, would bring immediate distress and ruin upon the western country; and concludes with the sentiment, that they think it their duty to persist in remonstrances to Congress, and in every other legal measure that may obstruct the operation of the law.

The resolutions then proceed, first, to appoint a committee to prepare and cause to be presented to Congress an address stating objections to the law, and praying for its repeal; secondly, to appoint committees of correspondence for Washington, Fayette, and Allegany, charged to correspond together, and with such committees as should be appointed for the same purpose in the county of Westmoreland, or with any committees of a similar nature that might be appointed in other parts of the United States; and, also, if found necessary, to call together either general meetings of the people in their respective counties, or conferences of the several committees; and lastly, to declare that they will in future consider those who hold offices for the collection of the duty as unworthy of their friendship; that they will have no intercourse nor dealings with them, will withdraw from them every assistance, withhold all the comforts of life which depend upon those duties that as men and fellow-citizens we owe to each other, and will, upon all occasions, treat them with contempt; earnestly recommending it to the people at large to follow the same line of conduct towards them.

The idea of pursuing legal measures to obstruct the operation of a law needs little comment. Legal measures may be pursued to procure the repeal of a law, but to obstruct its operation presents a contradiction in terms. The operation (or, what is the same thing, the execution) of a law cannot be obstructed after it has been constitutionally enacted, without illegality and crime. The ex-

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pression quoted is one of those phrases which can only be used to conceal a disorderly and culpable intention under forms that may escape the hold of the law.

Neither was it difficult to perceive that the anathema pronounced against the officers of the revenue placed them in a state of virtual outlawry, and operated as a signal to all those who were bold enough to encounter the guilt, and the danger to violate both their lives and their properties.

The foregoing proceedings, as soon as known, were reported by the Secretary of the Treasury to the President. The President, on the 15th of September, 1792, issued a proclamation "earnestly admonishing and exhorting all persons whom it might concern to refrain and desist from all unlawful combinations and proceedings whatsoever, having for object, or tending, to obstruct the operation of the laws aforesaid, inasmuch as all lawful ways and means would be put in execution for bringing to justice the infractors thereof, and securing obedience thereto;" and, moreover, charging and requiring all courts, magistrates, and officers, whom it might concern, according to the duties of their several offices, to exert the powers in them respectively vested by law for the purposes aforesaid; thereby, also, enjoining and requiring all persons whomsoever, as they tendered the welfare of their country, the just and due authority of Government, and the preservation of the public peace, to be aiding and assisting therein, according to law; and likewise directed that prosecutions might be instituted against the offenders, in the cases in which the laws would support, and the requisite evidence could be obtained.

Pursuant to these instructions, the Attorney General, in co-operation with the attorney of the district, attended a circuit court, which was holden at Yorktown, in October, 1792, for the purpose of bringing forward prosecutions in the proper cases.

Collateral measures were taken to procure for this purpose the necessary evidence.

The supervisor of the revenue was sent into the opposing survey, to ascertain the real state of that survey, to obtain evidence of the persons who were concerned in the riot in Faulkner's case, and of those who composed the meeting at Pittsburg, to uphold the confidence and encourage the perseverance of the officers acting under the law; and to induce, if possible, the inhabitants of that part of the survey, which appeared least disinclined to come voluntarily into the law, by arguments addressed to their sense of duty, and exhibiting the eventual dangers and mischiefs of resistance.

The mission of the supervisor had no other fruit than that of obtaining evidence of the persons who composed the meeting at Pittsburg, and of two who were understood to be concerned in the riot; and a confirmation of the enmity which certain active and designing leaders had industriously infused into a large proportion of the inhabitants, not against the particular laws in ques-

tion only, but of a more ancient date, against the Government of the United States itself.

The then Attorney General being of opinion that it was at best a doubtful point, whether the proceedings of the meeting at Pittsburg contained indictable matter, no prosecution was attempted against those who composed it; though, if the ground for proceeding against them had appeared to be firm, it is presumed that the truest policy would have dictated that course.

Indictments were preferred to the circuit court, and found against the two persons understood to have been concerned in the riot; and the usual measures were taken for carrying them into effect. But it appearing afterwards, from various representations supported by satisfactory testimony, that there had been some mistake as to the persons accused, justice and policy demanded that the prosecution should be discontinued, which was accordingly done. This issue of the business unavoidably defeated the attempt to establish examples of the punishment of persons who engaged in a violent resistance to the laws, and left the officers to struggle against the stream of resistance, without the advantage of such examples.

The following plan, afterwards successively put in execution, was about this time digested, for carrying, if possible, the laws into effect, without the necessity of recurring to force:

1. To prosecute delinquents in the cases in which it could be clearly done for non-compliance with the laws.
2. To intercept the markets for the surplus produce of the distilleries of the non-complying counties, by seizing the spirits in their way to those markets, in places where it could be effected without opposition.
3. By purchases, through agents, for the use of the army, (instead of deriving the supply through contractors, as formerly,) confining them to spirits in respect to which there had been a compliance with the laws.

The motives to this plan speak for themselves. It aimed, besides the influence of penalties on delinquents, at making it the general interest of the distillers to comply with the laws, by interrupting the market for a very considerable surplus, and by, at the same time, confining the benefit of the large demand for public service to those who did their duty to the public; and furnishing, through the means of payments in cash, that medium for paying the duties, the want of which was alleged to be a great difficulty in the way of compliance.

But two circumstances conspired to counteract the success of the plan; one, the necessity, towards incurring the penalties of non-compliance, of there being an office of inspection in each county, which was prevented in some of the counties by means of the intimidation practised for that purpose; another, the non-extension of the law to the territory northwest of the Ohio, into which a large proportion of the surplus before mentioned was sent.

A cure for these defects could only come from the Legislature; accordingly, in the session which began in November, 1792, measures were taken

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for procuring a further revision of the laws. A bill containing amendments of those and other defects was brought in; but it so happened that this object, by reason of more urgent business, was deferred till towards the close of the session, and finally went off, through the usual hurry of that period.

The continuance of the embarrassment incident to this state of things naturally tended to diminish much of the efficacy of the plan which had been devised; yet it was resolved, as far as legal provisions would bear out the officers, to pursue it with perseverance. There was ground to entertain hopes of its good effect, and it was certainly the most likely course which could have been adopted towards attaining the object of the laws by means short of force; evincing, unequivocally, the sincere disposition to avoid this painful resort, and the steady moderation which has characterized the measures of the Government.

In pursuance of this plan, prosecutions were occasionally instituted in the mildest forms; seizures were made as opportunities occurred; and purchases on public account were carried on. It may be incidentally remarked, that these purchases were extended to other places, where, though the same disorders did not exist, it appeared advisable to facilitate the payment of the duties by this species of accommodation. Nor was this plan, notwithstanding the deficiency of legal provision, which impeded its full execution, without corresponding effects. Symptoms from time to time appeared, which authorized expectation that, with the aid, at another session, of the desired supplementary provisions, it was capable of accomplishing its end, if no extraordinary events occurred.

The opponents of the laws, not insensible of the tendency of that plan, nor of the defects in the laws which interfered with it, did not fail, from time to time, to pursue analogous modes of counteraction. The effort to frustrate the establishment of officers of inspection in particular was persisted in, and even increased; means of intimidating officers and others, continued to be exerted.

In April, 1793, a party of armed men in disguise made an attack in the night upon the house of a collector of the revenue, who resided in Fayette county; but he happening to be from home, they contented themselves with breaking open his house, threatening, terrifying, and abusing his family. Warrants were issued for apprehending some of the rioters upon this occasion by Isaac Mason and James Findley, assistant judges of Fayette county, which were delivered to the sheriff of that county, who, it seems, refused to execute them; for which he has since been indicted. This is at once an example of a disposition to support the laws of the Union, and of an opposite one in the local officers of Pennsylvania within the non-complying scene. But it is a truth too important not to be noticed, and too injurious not to be lamented, that the prevailing spirit of those officers has been either hostile or lukewarm to

the execution of those laws; and that the weight of an unfriendly official influence has been one of the most serious obstacles with which they have had to struggle.

In June following, the inspector of the revenue was burnt in effigy in Allegany county, at a place and on a day of some public election, with much display, in the presence of, and without interruption from, magistrates and other public officers.

On the night of the 22d of November, another party of men, some of them armed, and all in disguise, went to the house of the same collector of Fayette, which had been visited in April, broke and entered it, and demanded a surrender of the officer's commission and official books; upon his refusing to deliver them up, they presented pistols at him, and swore that if he did not comply they would instantly put him to death. At length a surrender of the commission and books was enforced; but, not content with this, the rioters, before they departed, required of the officer that he should, within two weeks, publish his resignation, on pain of another visit, and the destruction of his house.

Notwithstanding these excesses, the laws appeared, during the latter periods of this year, (1793) to be rather gaining ground. Several principal distillers, who had formerly held out, complied; and others discovered a disposition to comply, which was only restrained by the fear of violence. But these favorable circumstances served to beget alarm among those who were determined, at all events, to prevent the quiet establishment of the laws. It soon appeared that they meditated, by fresh and greater excesses, to aim a still more effectual blow at them, to subdue the growing spirit of compliance, and to destroy entirely the organs of the laws within that part of the country, by compelling all the officers to renounce their offices.

The last proceeding, in the case of the collector of Fayette, was in this spirit. In January of the present year, further violences appear to have been perpetrated. William Richmond, who had given information against some of the rioters, in the affair of Wilson, had his barn burnt, with all the grain and hay which it contained; and the same thing happened to Robert Shawhan, a distiller, who had been among the first to comply with the law, and who had always spoken favorably of it; but in neither of these instances, (which happened in the county of Allegany) though the presumptions were violent, was any positive proof obtained.

The inspector of the revenue, in a letter of the 27th of February, writes that he had received information that persons, living near the dividing line of Allegany and Washington, had thrown out threats of tarring and feathering one William Cochran, a complying distiller, and of burning his distillery; and that it had also been given out that in three weeks there would not be a house standing in Allegany county of any person who had complied with the laws; in consequence of which, he had been induced to pay a visit to several leading individuals in that quarter, as well to

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ascertain the truth of the information as to endeavor to avert the attempt to execute such threats. It appeared afterwards, that on his return home, he had been pursued by a collection of disorderly persons, threatening, as they went along, vengeance against him. On their way, these men called at the house of James Kiddoe, who had recently complied with the laws, broke into his still-house, fired several balls under his still, and scattered fire over and about the house.

Letters from the inspector, in March, announce an increased activity in promoting opposition to the laws; frequent meetings to cement and extend the combinations against it; and among other means for this purpose, a plan of collecting a force to seize him, compel him to resign his commission, and detain him prisoner—probably as a hostage.

In May and June new violences were committed. James Kiddoe, the person above mentioned, and William Cochran, another complying distiller, met with repeated injury to their property. Kiddoe had parts of his grist-mill at different times carried away; and Cochran suffered more material injuries. His still was destroyed; his saw-mill was rendered useless, by the taking away of the saw, and his grist-mill so injured as to require to be repaired at considerable expense.

At the last visit a note in writing was left, requiring him to publish what he had suffered in the *Pittsburg Gazette*, on pain of another visit, in which he is threatened, in figurative but intelligible terms, with the destruction of his property by fire—thus adding to the profligacy of doing wanton injuries to a fellow-citizen the tyranny of compelling him to be the publisher of his wrongs.

June being the month for receiving annual entries of stills, endeavors were used to open offices in Westmoreland and Washington, where it had been hitherto found impracticable. With much pains and difficulty, places were procured for the purpose. That in Westmoreland was repeatedly attacked in the night by armed men, who frequently fired upon it; but, according to a report which has been made to this Department, it was defended with so much courage and perseverance by John Wells, an auxiliary officer, and Philip Ragan, the owner of the house, as to have been maintained during the remainder of the month.

That in Washington, after repeated attempts, was suppressed. The first attempt was confined to pulling down the sign of the office, and threats of future destruction. The second effected the object in the following mode: About twelve persons, armed and painted black, in the night of the 6th of June, broke into the house of John Lynn, where the office was kept, and, after having treacherously seduced him to come down stairs, and put himself in their power, by a promise of safety to himself and his house, they seized and tied him—threatened to hang him—took him to a retired spot in the neighboring wood, and there, after cutting off his hair, tarred and feathered him—swore him

never again to allow the use of his house for an office—never to disclose their names, and never again to have any sort of agency in aid of the excise. Having done which, they bound him naked to a tree, and left him in that situation till morning, when he succeeded in extricating himself. Not content with this, the malcontents some days after made him another visit—pulled down part of his house, and put him in a situation to be obliged to become an exile from his own home, and to find an asylum elsewhere.

During this time, several of the distillers, who had made entries and benefitted by them, refused the payment of the duties—actuated, no doubt, by various motives.

Indications of a plan to proceed against the inspector of the revenue, in the manner which has been before mentioned, continued. In a letter from him of the 10th of July, he observed that the threatened visit had not yet been made, though he had still reason to expect it.

In the session of Congress which began in December, 1793, a bill for making the amendments in the laws, which had been for some time desired, was brought in, and on the 5th of June last became a law.

It is not to be doubted that the different stages of this business were regularly notified to the malcontents, and that a conviction of the tendency of the amendments contemplated to effectuate the execution of the law had matured the resolution to bring matters to a violent crisis.

The increasing energy of the opposition rendered it indispensable to meet the evil with proportionable decision. The idea of giving time for the law to extend itself, in scenes where the dissatisfaction with it was the effect, not of an improper spirit, but of causes which were of a nature to yield to reason, reflection, and experience, (which had constantly weighed in the estimate of the measures proper to be pursued,) had had its effect in an extensive degree. The experiment, too, had been long enough tried to ascertain that, where resistance continued, the root of the evil lay deep, and required measures of greater efficacy than had been pursued. The laws had undergone repeated revisions of the Legislative Representatives of the Union, and had virtually received their repeated sanction, without even an attempt, as far as is now recollected or can be traced, to effect their repeal—affording an evidence of the general sense of the community in their favor. Complaints began to be loud, from complying quarters, against the impropriety and injustice of suffering the laws to remain unexecuted in others.

Under the united influence of these considerations, there was no choice but to try the efficiency of the laws in prosecuting with vigor delinquents and offenders.

Process issued against a number of non-complying distillers in the counties of Fayette and Alleghany; and indictments having been found at a circuit court holden at Philadelphia in July last, against Robert Smilie and John McCulloch, two of the rioters in the attack which, in November preceding, had been made upon the house of a

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collector of the revenue in Fayette county; processes issued against them also, to bring them to trial, and, if guilty, to punishment.

The marshal of the district went in person to serve these processes. He executed his trust without interruption, though under many discouraging circumstances, in Fayette county; but while he was in the execution of it in Allegany county, (being then accompanied by the inspector of the revenue—to wit, on the 15th of July last,) he was beset on the road by a party of from thirty to forty armed men, who, after much previous irregularity of conduct, finally fired upon him, but, as it happened, without injury either to him or to the inspector.

This attempt on the marshal was but the prelude of greater excesses.

About break of day the 16th of July, in conformity with a plan which seems to have been for some time entertained, and which probably was only accelerated by the coming of the marshal into the survey, an attack by about one hundred persons armed with guns and other weapons was made upon the house of the inspector, in the vicinity of Pittsburg. The inspector, though alone, vigorously defended himself against the assailants, and obliged them to retreat without accomplishing their purpose.

Apprehending that the business would not terminate here, he made application by letter to the judges, generals of militia, and sheriff of the county, for protection. A reply to his application, from John Wilkins, jr., and John Gibson, magistrates and militia officers, informed him that the laws could not be executed, so as to afford him the protection to which he was entitled, owing to the too general combination of the people in that part of Pennsylvania to oppose the revenue law—adding that they would take every step in their power to bring the rioters to justice, and would be glad to receive information of the individuals concerned in the attack upon his house, that prosecutions might be commenced against them; and expressing their sorrow, that, should the *posse comitatus* of the county be ordered out in support of the civil authority, very few could be gotten who were not of the party of the rioters.

The day following, the insurgents reassembled with a considerable augmentation of numbers, amounting, as has been computed, to at least five hundred; and, on the 17th of July, renewed their attack upon the house of the inspector, who, in the interval, had taken the precaution of calling to his aid a small detachment from the garrison of Fort Pitt, which, at the time of the attack, consisted of eleven men, who had been joined by Major Abraham Kirkpatrick, a friend and connexion of the inspector.

There being scarcely a prospect of effectual defence against so large a body as then appeared, and as the inspector had everything to apprehend for his person, if taken, it was judged advisable that he should withdraw from the house to a place of concealment—Major Kirkpatrick generously agreeing to remain with the eleven men, in the intention, if practicable, to make a capitulation in

favor of the property; if not, to defend it as long as possible.

A parley took place under cover of a flag, which was sent by the insurgents to the house to demand that the inspector should come forth, renounce his office, and stipulate never again to accept an office under the same laws. To this it was replied that the inspector had left the house upon their first approach, and that the place to which he had retired was unknown. They then declared that they must have whatever related to his office. They were answered that they might send persons, not exceeding six, to search the house, and take away whatever papers they could find appertaining to the office. But not satisfied with this, they insisted, unconditionally, that the armed men who were in the house, for its defence, should march out and ground their arms, which Major Kirkpatrick peremptorily refused—considering it and representing it to them as a proof of a design to destroy the property. This refusal put an end to the parley.

A brisk firing then ensued between the insurgents and those in the house, which, it is said, lasted for near an hour, till the assailants, having set fire to the neighboring and adjacent buildings, eight in number, the intenseness of the heat, and the danger of an immediate communication of the fire to the house, obliged Major Kirkpatrick and his small party to come out and surrender themselves. In the course of the firing one of the insurgents was killed and several wounded, and three of the persons in the house were also wounded. The person killed is understood to have been the leader of the party, of the name of James McFarlane, then a major in the militia—formerly a lieutenant in the Pennsylvania line. The dwelling-house, after the surrender, shared the fate of the other buildings, the whole of which were consumed to the ground. The loss of property to the inspector upon this occasion is estimated (and as it is believed with great moderation) at not less than three thousand pounds.

The marshal, Colonel Presley Neville, and several others were taken by the insurgents going to the inspector's house. All except the marshal and Colonel Neville soon made their escape; but these were carried off some distance from the place where the affray had happened, and detained till one or two o'clock the next morning. In the course of their detention, the marshal in particular suffered very severe and humiliating treatment, and was frequently in imminent danger of his life. Several of the party repeatedly presented their pieces at him, with every appearance of a design to assassinate, from which they were with difficulty restrained by the efforts of a few more humane and more prudent.

Nor could he obtain safety or liberty, but upon the condition of a promise, guarantied by Colonel Neville, that he would serve no other process on the west side of the Allegany mountain. The alternative being immediate death, extorted from the marshal a compliance with this condition, notwithstanding the just sense of official dignity, and the firmness of character which were witnessed by

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his conduct throughout the trying scenes he had experienced.

The insurgents, on the 18th, sent a deputation of two of their number (one a justice of the peace) to Pittsburg, to require of the marshal a surrender of the processes in his possession, intimating that his compliance would satisfy the people, and add to his safety; and also to demand of General Neville, in peremptory terms, the resignation of his office, threatening, in case of refusal, to attack the place and take him by force—demands which both these officers did not hesitate to reject, as alike incompatible with their honor and their duty.

As it was well ascertained that no protection was to be expected from the magistrates or inhabitants of Pittsburg, it became necessary to the safety both of the inspector and marshal to quit that place; and as it was known that all the usual routes to Philadelphia were beset by the insurgents, they concluded to descend the Ohio, and proceed by a circuitous route to the Seat of Government—which they began to put in execution on the night of the 19th of July.

Information has also been received of a meeting of a considerable number of persons at a place called Mingo-creek Meeting-house, in the county of Washington, to consult about the further measures which it might be advisable to pursue; that, at this meeting, a motion was made to approve and agree to support the proceedings which had taken place until the excise law was repealed, and an act of oblivion passed. But, that, instead of this, it had been agreed that the four western counties of Pennsylvania and the neighboring counties of Virginia should be invited to meet in a convention of delegates on the 14th of the present month, at Parkinson's on Mingo creek, in the county of Washington, to take into consideration the situation of the Western country, and concert such measures as should appear suited to the occasion.

It appears, moreover, that on the 25th of July last the mail of the United States, on the road from Pittsburg to Philadelphia, was stopped by two armed men who cut it open and took out all the letters, except those contained in one packet. These armed men, from all the circumstances which occurred, were manifestly acting on the part of the insurgents.

The declared object of the foregoing proceedings is to obstruct the execution and compel a repeal of the laws laying duties on spirits distilled within the United States, and upon stills. There is just cause to believe that this is connected with an indisposition, too general in that quarter, to share in the common burdens of the community, and with a wish among some persons of influence to embarrass the Government: It is affirmed by well-informed persons to be a fact of notoriety, that the revenue laws of the State itself have always been either resisted or very defectively complied with in the same quarter.

With the most perfect respect, I have the honor to be, sir, your most obedient and humble servant,
ALEXANDER HAMILTON.

The President of the United States.

BEDFORD, October 20, 1794.

SIR: I have it in special instruction from the President of the United States, now at this place, to convey to you, on his behalf, the following instructions for the general direction of your conduct in the command of the militia army with which you are charged:

The objects for which the militia have been called forth are—

1. To suppress the combinations which exist in some of the western counties of Pennsylvania in opposition to the laws laying duties upon spirits distilled within the United States, and upon stills.

2. To cause the laws to be executed.

These objects are to be effected in two ways—

1. By military force;

2. By judiciary process, and other civil proceedings.

The objects of the military force are two-fold—

1. To overcome any opposition which may exist;

2. To countenance and support the civil officers in the means of executing the laws.

With a view to the first of these two objects, you will proceed as speedily as may be with the army under your command into the insurgent counties to attack, and as far as shall be in your power subdue, all persons whom you may find in arms in opposition to the laws above-mentioned. You will march your army in two columns from the places where they are now assembled by the most convenient routes, having regard to the nature of the roads, the convenience of supply, and the facility of co-operation and union; and bearing in mind that you ought to act till the contrary shall be fully developed, on the general principle of having to contend with the whole force of the counties of Fayette, Westmoreland, Washington, and Allegany, and of that part of Bedford which lies west of the town of Bedford: and that you are to put as little as possible to hazard. The approximation therefore of your columns is to be sought, and the subdivision of them, so as to place the parts out of mutual supporting distance, to be avoided as far as local circumstances will permit. Parkinson's Ferry appears to be a proper point towards which to direct the march of the columns for the purpose of ulterior measures.

When arrived within the insurgent country, if an armed opposition appear, it may be proper to publish a proclamation, inviting all good citizens—friends of the Constitution and laws—to join the standard of the United States. If no armed opposition exist, it may still be proper to publish a proclamation, exhorting to a peaceable and dutiful demeanor, and giving assurances of performing with good faith and liberality whatsoever may have been promised by the Commissioners to those who have complied with the conditions prescribed by them, and who have not forfeited their title by subsequent misconduct.

Of those persons in arms, if any, whom you may make prisoners, leaders, including all persons in command, are to be delivered up to the civil magistrate; the rest to be disarmed, admonished, and

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sent home, (except such as may have been particularly violent and also influential,) causing their own recognizances for their good behavior to be taken, in the cases in which it may be deemed expedient.

With a view to the second point, namely, "the countenance and support of the civil officers in the means of executing the laws," you will make such dispositions as shall appear proper to countenance and protect, and, if necessary, and required by them, to support and aid the civil officers in the execution of their respective duties; for bringing offenders and delinquents to justice; for seizing the stills of delinquent distillers, as far as the same shall be deemed eligible by the supervisor of the revenue, or chief officer of inspection; and also for conveying to places of safe custody such persons as may be apprehended and not admitted to bail.

The objects of judiciary process, and other civil proceedings, will be—

1. To bring offenders to justice.
2. To enforce penalties on delinquent distillers by suit.
3. To enforce the penalty of forfeiture on the same persons by the seizure of their stills and spirits.

The better to effect these purposes, the judge of the district, Richard Peters, Esq., and the attorney of the district, William Rawle, Esq., accompany the army.

You are aware that the judge cannot be controlled in his functions; but I count on his disposition to co-operate in such a general plan as shall appear to you consistent with the policy of the case. But your method of giving a direction to legal proceedings, according to your general plan, will be by instruction to the district attorney.

He ought particularly to be instructed, (with due regard to time and circumstance,) 1st. To procure to be arrested all influential actors in riots and unlawful assemblies relating to the insurrection, and combinations to resist the laws, or having for object to abet that insurrection and those combinations, and who shall not have complied with the terms offered by the Commissioners, or manifested their repentance in some other way, which you may deem satisfactory. 2d. To cause process to issue for enforcing penalties upon delinquent distillers. 3d. To cause offenders who may be arrested to be conveyed to jails where there will be no danger of rescue; those for misdemeanors, to the jails of York and Lancaster; those for capital offences, to the jail of Philadelphia, as more secure than the others. 4th. To prosecute indictable offences in the courts of the United States; those for penalties on delinquents, under the laws before mentioned, in the courts of Pennsylvania.

As a guide in the case, the district attorney has with him a list of the persons who have availed themselves of the offers of the Commissioners on the day appointed.

The seizure of stills is the province of the supervisor and other officers of inspection. It is dif-

ficult to chalk out the precise line concerning it. There are opposite considerations, which will require to be nicely balanced, and which must be judged of by those officers on the spot. It may be found useful to confine the seizures to stills of the most leading and refractory distillers. It may be advisable to extend them far in the most refractory county.

When the insurrection is subdued, and the requisite means have been put in execution to secure obedience to the laws, so as to render it proper for the army to retire, (an event which you will accelerate as much as shall be consistent with the object,) you will endeavor to make an arrangement for detaching such a force as you deem adequate, to be stationed within the disaffected country, in such manner as best to afford protection to well-disposed citizens and to the officers of the revenue, and to repress, by their presence, the spirit of riot and opposition to the laws.

But before you withdraw the army, you will promise, on behalf of the President, a general pardon to all such as shall not have been arrested, with such exceptions as you shall deem proper. The promise must be so guarded as not to affect pecuniary claims under the revenue laws. In this measure, it is advisable there should be a co-operation with the Governor of Pennsylvania.

On the return of the army, you will adopt some convenient and certain arrangement for restoring to the public magazines the arms, accoutrements, military stores, tents, and other articles of camp equipage and entrenching tools, which have been furnished, and shall not have been consumed or lost.

You are to exert yourself by all possible means to preserve discipline among the troops, particularly a scrupulous regard to the rights of persons and property, and a respect for the authority of the civil magistrate; taking especial care to inculcate and cause to be observed this principle: that the duties of the army are confined to the attacking and subduing of armed opponents of the laws, and to the supporting and aiding of the civil officers in the execution of their functions.

It has been settled that the Governor of Pennsylvania will be second, the Governor of New Jersey third in command; and that the troops of the several States in line, on the march and upon detachment, are to be posted according to the rule which prevailed in the army during the late war, namely, in moving toward the sea-board, the most southern troops will take the right; in moving westward, the most northern will take the right.

These general instructions, however, are to be considered as liable to such alterations and deviations in the detail as from local and other causes may be found necessary, the better to effect the main object upon the general principles which have been indicated.

With great respect, I have the honor to be, sir, your obedient servant,

ALEXANDER HAMILTON.

Gen. HENRY LEE.

Washington's Farewell Address.

WASHINGTON'S FAREWELL ADDRESS.

TO THE PEOPLE OF THE UNITED STATES.

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the Executive Government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence, in my situation, might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say, that I have, with good intentions, contributed towards the organization and administration of the Government, the best exertions of which a very fallible judgment was capable. Not unconscious, in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be

welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe, that while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead—amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which, not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea I shall carry it with me to my grave, as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence, that your union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete, by so careful a preservation and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplations, and to recommend to your frequent review, some sentiments, which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

Washington's Farewell Address.

The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence—the support of your tranquility at home, your peace abroad; of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness—that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name of **AMERICAN**, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common Government, finds in the productions of the latter great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The South, in the same intercourse, benefitting by the agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West,

already finds, and in the progressive improvement of interior communications, by land and water, will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and, what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connexion with any foreign Power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries, not tied together by the same Government; which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments, which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations—*Northern* and *Southern*—*Atlantic* and *Western*; whence designing men may endeavor to excite a belief that there is a real dif-

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ference of local interests and views. One of the expedients of party to acquire influence, within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the Executive, and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government, and in the Atlantic States, unfriendly to their interest in regard to the Mississippi: they have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren, and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts, can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government better calculated than your former for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But, the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government, pre-supposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of

fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force—to put in the place of the delegated will of the nation, the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your Government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexis. One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions—that experience is the surest standard by which to test the real tendency of the existing constitution of a country—that facility in changes upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty, is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popu-

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lar form, it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight,) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foment, occasionally, riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself, through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country, should inspire caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the

public weal against invasions by the others, has been evinced by experiments, ancient and modern: some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in a way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connexions with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is, to use it as sparingly as possible; avoiding occasions of expense by cultivating peace; but remembering, also, that timely disbursements to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding, likewise, the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your Representatives; but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be re-

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venue; that to have revenue, there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects, (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the Government in making it, and for the spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct; and can it be, that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is, in some degree, a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, where accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the Government, contrary to the best calculations of policy. The Government sometimes participates in the national propensity, and adopts, through passion, what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes, perhaps, the liberty of nations, has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads, also, to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions; by unnecessarily parting with

what ought to have been retained; and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens, (who devote themselves to the favorite nation,) facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practise the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, my fellow-citizens) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of Republican Government. But that jealousy to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defence against it. *Excessive* partiality for one foreign nation, and *excessive* dislike of another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connexion as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off, when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality, we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situ-

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ation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary, and would be unwise to extend them. Taking care to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying, by gentle means, the streams of commerce, but forcing nothing; establishing, with Powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that, by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations; but if I may even flatter myself, that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare, by which they have been dictated.

How far in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to

the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me; uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it, with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent Powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its recent institutions, and to progress, without interruption, to that degree of strength and consistency, which is necessary to give it, humanly speaking, the command of its own fortunes.

Though, in reviewing the incidents of my administration, I am unconscious of intentional error, I am, nevertheless, too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansion of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man, who views in it the native soil of himself and his progenitors for several generations; I anticipate, with pleasing expectation, that retreat, in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free Government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

G. WASHINGTON.

UNITED STATES, Sept. 17, 1796.

PUBLIC ACTS OF CONGRESS;

PASSED AT THE FIRST SESSION OF THE FOURTH CONGRESS, BEGUN AND HELD AT PHILADELPHIA, ON THE SEVENTH OF DECEMBER, 1795.

AN ACT making appropriations for the support of Government, for the year one thousand seven hundred and ninety-six.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, for defraying the expenditure of the civil list of the United States, for the year one thousand seven hundred and ninety-six, together with the incidental and contingent expenses of the several departments and offices thereof, there be appropriated a sum of money, not exceeding five hundred and thirty thousand three hundred and ninety-two dollars, and eighty-five cents; that is to say:

For the compensations granted by law to the President and Vice President of the United States, thirty thousand dollars.

For the like compensations to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of six months continuance, one hundred and ninety-three thousand, four hundred and sixty dollars.

For the expenses of firewood, stationery, printing-work, and all other contingent expenses of the two Houses of Congress, eleven thousand five hundred dollars.

For the compensations granted by law to the Chief Justice, Associate Judges, District Judges, and Attorney General, forty-three thousand six hundred dollars.

For defraying the expense of clerks of courts, jurors, and witnesses, in aid of the fund arising from fines, forfeitures, and penalties; and likewise for defraying the expenses of prosecutions for offences against the United States, and for safe keeping of prisoners, twenty thousand dollars.

For making good deficiencies in the last mentioned fund, in the appropriation of the year one thousand seven hundred and ninety-five, ten thousand dollars.

For compensation to the Secretary of State, clerks, and persons employed in that department, seven thousand, eight hundred and fifty dollars.

For incidental and contingent expenses in the said department, twenty-three thousand, three hundred and eighty dollars.

For compensation to the Secretary of the Treasury, clerks, and persons employed in his office, eight thousand, one hundred and fifty dollars.

For expenses of stationery, printing, and all other contingent expenses in the office of the Secretary of the Treasury, five hundred dollars.

For compensation to the Comptroller of the Treasury, clerks, and persons employed in his office, ten thousand, nine hundred dollars.

For expense of stationery, printing, and all other contingent expenses in the Comptroller's office, eight hundred dollars.

For compensation to the Treasurer, clerks, and persons employed in his office, four thousand, four hundred dollars.

For expense of firewood, stationery, printing, rent, and other contingencies in the Treasurer's office, six hundred dollars.

For compensation to the Auditor of the Treasury, clerks, and persons employed in his office, eleven thousand, two hundred and fifty dollars.

For expense of stationery, printing, and other contingent expenses in the Auditor's office, six hundred dollars.

For compensation to the Commissioner of the Revenue, clerks, and persons employed in his office, five thousand, two hundred and fifty dollars.

For expense of stationery, printing, and all other contingent expenses in the office of the Commissioner, four hundred dollars.

For compensation to the Register of the Treasury, clerks, and persons employed in his office, fourteen thousand, seven hundred dollars.

For expense of stationery, printing, and all other contingent expenses in the Register's office, (including books for the public stocks,) two thousand, eight hundred dollars.

For compensation to the Purveyor of Public Supplies, including his salary from the time of his appointment to the thirty-first day of December, one thousand, seven hundred and ninety-five, three thousand, six hundred and ninety-four dollars, and forty-four cents.

For the payment of rent for the several houses employed in the Treasury Department, (except the Treasurer's office,) one thousand, nine hundred and eighty-six dollars, and sixty-eight cents.

For expense of firewood and candles in the several offices of the Treasury Department, (except the Treasurer's office,) three thousand dollars.

For defraying the expense incident to the stating and printing the public accounts, for the year one thousand seven hundred and ninety-six, one thousand dollars.

For the payment of certain incidental and contingent expenses of the Treasury Department in the year one thousand seven hundred and ninety-five, beyond the sum which was appropriated, two thousand five hundred dollars.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

For payment of clerks allowed to several of the loan offices, for the year one thousand seven hun-

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dred and ninety-five, by an act of the last session of Congress, ten thousand one hundred dollars.

For compensation to the Secretary of War, clerks, and persons employed in his office, seven thousand and fifty dollars.

For expense of firewood, stationery, printing, rent, and other contingent expenses of the office of the Secretary of War, (including the rent of the General Post Office which is kept under the same roof,) one thousand eight hundred dollars.

For compensation to the Accountant to the War Department, clerks and persons employed in his office, six thousand four hundred and fifty dollars.

For contingent expenses in the office of the Accountant to the War Department, six hundred dollars.

For compensations to the following officers of the Mint: The Director, two thousand dollars; the Treasurer, one thousand two hundred dollars; the Assayer, one thousand five hundred dollars; the Chief Coiner, one thousand five hundred dollars; the Melter and Refiner, one thousand five hundred dollars; the Engraver, one thousand two hundred dollars; three clerks, at five hundred dollars each, one thousand five hundred dollars.

For the purchase of copper for the use of the Mint, thirteen thousand dollars.

For defraying the expenses of laborers in the different branches of refining, melting, and coining at the Mint, eight thousand dollars.

For the pay of mechanics employed in repairing and making machinery for the Mint, three thousand two hundred and sixty-four dollars.

For the purchase of ironmongery, lead, wood, coals, stationery, office furniture, and for other contingencies of the establishment of the Mint, eight thousand seven hundred dollars.

For making good deficiencies in the former appropriations for the Mint, to the end of the year one thousand seven hundred and ninety-five, eighteen thousand three hundred dollars.

For compensations to the Governors, Secretaries, and Judges of the Territory northwest, and the Territory south of the river Ohio, ten thousand three hundred dollars.

For expenses of stationery, office-rent, printing, patents for lands, and other contingent expenses in both the said Territories, seven hundred dollars.

For the payment of sundry pensions, granted by the late Government, two thousand and seven dollars, and seventy-three cents.

For the annual allowance to the widow and orphan children of Colonel John Harding, and to the orphan children of Major Alexander Trueman, by the act of Congress of the twenty seventh of February, one thousand seven hundred and ninety-three, seven hundred and fifty dollars.

For the annual allowance for the education of Hugh Mercer, son of the late Major General Mercer, by an act of Congress of the second of March, one thousand seven hundred and ninety-three, four hundred dollars.

For the discharge of such demands against the United States, on account of the Civil Depart-

ment, not otherwise provided for, as shall have been ascertained and admitted in due course of settlement at the Treasury, and which are of a nature, according to the usage thereof, to require payment in specie, three thousand dollars.

SEC. 2. *And be it further enacted*, That for the support of light houses, beacons, buoys, and public piers, for the year one thousand seven hundred and ninety-six; and to satisfy certain miscellaneous claims, stated in the report of the Secretary of the Treasury, of the fourteenth of December last, there be appropriated a sum not exceeding thirty-seven thousand six hundred and seventy-two dollars, and nine cents; that is to say:

For the maintenance and support of light houses, beacons, buoys, public piers, and stakeage of channels, bars, and shoals, twenty-four thousand dollars.

To repay David Lenox, late Marshal of the district of Pennsylvania, for payments made with the approbation of the Judge of the said district, to sundry persons, for summoning jurors to attend the district court of Pennsylvania, upon the trial of sundry persons committed for high treason, two hundred and fifty-six dollars, and eighty-eight cents.

For the payment of a balance due to Lewis Pintard, agent for American prisoners to the city of New York, during the late war, four hundred and twenty-nine dollars, and twenty-one cents.

For the payment of a balance due to the representatives of Thomas Smith, late Commissioner of the loan office for the State of Pennsylvania, nine thousand and eleven dollars, and ninety-seven cents.

For the payment of a balance due to the representatives of Joseph Clarke, late Commissioner of the loan office for the State of Rhode Island, one thousand nine hundred and seventy-four dollars, and three cents.

For the discharge of such miscellaneous demands against the United States, other than those on account of the Civil Department, not otherwise provided for, and which shall have been ascertained and admitted in due course of settlement at the Treasury, and which are of a nature, according to the usage thereof, to require payment in specie, two thousand dollars.

SEC. 3. *And be it further enacted*, That the several appropriations hereinbefore made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States."

JONATHAN DAYTON,
Speaker of the House of Representatives.

JOHN ADAMS,
*Vice President of the United States,
and President of the Senate.*

Approved, February 5, 1796.

G. WASHINGTON,
President of the United States.

Acts of Congress.

An Act further extending the time for receiving on loan the Domestic Debt of the United States.

Be it enacted, &c., That the term for receiving on loan that part of the Domestic Debt of the United States, which has not been subscribed, in pursuance of the provisions heretofore made, by law for that purpose, be, and the same is hereby, further extended until the thirty-first day of December next, on the same terms and conditions as are contained in the act, entitled "An act making provision for the debt of the United States." *Provided,* That the books for receiving the said subscriptions shall be opened only at the Treasury of the United States.

SEC. 2. *And be it further enacted,* That it shall be lawful to reimburse so much of the principal of the debt or stock, which may be subscribed, pursuant to this act, as will make the reimbursement thereof equal, in proportion and degree, to that of the same stock subscribed antecedent to the present year; and the said reimbursement shall be made at the expiration of the quarter in which such debt or stock shall be subscribed, and pursuant to the rules and conditions prescribed by the act, entitled "An act making further provision for the support of public credit, and for the redemption of the public debt."

SEC. 3. *And be it further enacted,* That such of the creditors of the United States as have not subscribed, and shall not subscribe, to the said loan, shall, nevertheless, receive, during the year one thousand seven hundred and ninety-six, a rate per centum on the amount of such of their demands as have been registered, or shall be registered, at the Treasury, conformably to the directions in the act, entitled "An act making provision for the debt of the United States," equal to the interest which would be payable to them as subscribing creditors.

Approved, February 19, 1796.

An Act allowing compensation to the members of the Senate and House of Representatives of the United States, and to certain officers of both Houses.

Be it enacted, &c., That at every session of Congress, and at every meeting of the Senate in the recess of Congress, from and after the third day of March in the present year, each Senator shall be entitled to receive six dollars for every day he shall attend the Senate; and shall also be allowed, at the commencement of every such session and meeting, six dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress. And in case any member of the Senate shall be detained by sickness on his journey to or from any such session or meeting, or, after his arrival, shall be unable to attend the Senate, he shall be entitled to the same daily allowance: *Provided, always,* That no Senator shall be allowed a sum exceeding the rate of six dollars per day from the end of one such session or meeting to the time of his taking his seat in another.

SEC. 2. *And be it further enacted,* That at each

session of Congress each Representative shall be entitled to receive six dollars for every day he shall attend the House of Representatives; and shall be allowed, at the commencement and end of each session, six dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress. And in case any Representative shall be detained by sickness on his journey to or from the session of Congress, or, after his arrival, shall be unable to attend the House of Representatives, he shall be entitled to the daily allowance aforesaid. And the Speaker of the House of Representatives shall be entitled to receive, in addition to his compensation as a Representative, six dollars for every day he shall attend the House: *Provided, always,* That no Representative shall be allowed a sum exceeding the rate of six dollars per day, from the end of one such session or meeting, to the time of his taking his seat in another.

SEC. 3. *And be it further enacted,* That there shall be allowed to each Chaplain of Congress at the rate of five hundred dollars per annum, during the session of Congress; to the Secretary of the Senate and Clerk of the House of Representatives, fifteen hundred dollars per annum each, to commence from the time of their respective appointments; and, also, a further allowance of two dollars per day to each, during the session of that branch for which he officiates. And the said Secretary and Clerk shall each be allowed (when the President of the Senate or Speaker shall deem it necessary) to employ one principal clerk, who shall be paid three dollars per day, and two engrossing clerks, who shall be paid two dollars per day each, during the session, with the like compensations to such clerks, respectively, while they shall be necessarily employed in the recess.

SEC. 4. *And be it further enacted,* That there shall be allowed to the Sergeant-at-Arms the sum of four dollars per day, during every session of Congress, and while employed on the business of the House.

SEC. 5. *And be it further enacted,* That the said compensation, which shall be due to the members and officers of the Senate, shall be certified by the President; and that which shall be due to the members and officers of the House of Representatives, shall be certified by the Speaker; and the same shall be passed as public accounts, and paid out of the public Treasury.

Approved, March 10, 1796.

An Act providing relief, for a limited time, in certain cases, of invalid registers.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, empowered to allow to such vessels and their cargoes, whose registers have already, or that may, before the close of the present session of Congress, become invalid, by reason of a non-compliance with the terms of the fifth section of the act "concerning the registering and recording of ships or vessels," the same privileges and benefits they would have been en-

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titled to if no such invalidity had taken place: *Provided*, It shall appear to him that such non-compliance did not proceed from wilful negligence or an intention of fraud: *And provided, also*, That a new register shall be obtained, in the manner prescribed by law, for such vessels, respectively, as may now be within the United States, within ninety days from the passing of this act: and for others, within the same time after their first arrival within the United States.

Approved, March 10, 1796.

An Act making a partial appropriation for the support of the Military Establishment for the year one thousand seven hundred and ninety-six.

Be it enacted, &c., That the sum of five hundred thousand dollars be, and the same is hereby, appropriated towards defraying the expenses of the Military Establishment for the year one thousand seven hundred and ninety-six.

Sec. 2. And be it further enacted, That the said sum shall be paid and discharged out of the funds following, to wit: First, the balance which may remain unexpended of the sum of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States," after satisfying the appropriations made in the present session, for the support of Government. Secondly, the surplus of revenue and income beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-six.

Approved, March 12, 1796.

An Act for the relief of certain officers and soldiers who have been wounded or disabled in the actual service of the United States.

Be it enacted, &c., That every commissioned, non-commissioned officer, private, or musician, who has been wounded or disabled, while in the line of his duty, in actual service, called out by authority of any law of the United States, while he belonged to the militia; or any volunteer not belonging to the militia, who has been wounded or disabled while in the line of his duty, in actual service, as aforesaid, shall be placed on the list of invalids of the United States, at such rate of pay, and under such regulations, as shall be directed by the President of the United States for the time being: *Provided*, The rate of compensation for such wounds and disabilities shall never exceed, for the highest disabilities, half the monthly pay received by any commissioned officer at the time of being so wounded or disabled; and that the rate of compensation to non-commissioned officers, privates, and musicians, shall never exceed five dollars per month; and that all inferior disabilities shall entitle the person so disabled to receive only a sum in proportion to the highest disability: *And provided*, That these provisions shall not be construed to extend to any person wounded or disabled before the fourth of March, one thousand seven hundred and eighty-nine, nor to any person wounded or disabled since that time, who has made application for a pension under

any existing law of the United States, and has been denied or admitted on the pension list: *And provided*, That all applications herein shall be made within one year after the end of the present session of Congress.

Approved, March 23, 1796.

An Act making certain provisions in regard to the Circuit Court for the District of North Carolina.

Whereas a sufficient quorum of judges did not attend to hold the Circuit Court for the district of North Carolina for the purpose of doing business in June term, one thousand seven hundred and ninety-five; and no judge attended to hold the said court in November term, in the same year, in consequence whereof certain provisions are now become necessary and expedient to prevent a failure of justice in the said court:

Be it therefore enacted, &c., That it shall and may be lawful for the district judge of the State of North Carolina to direct the clerk of the said court to issue such process for the purpose of causing persons to be summoned to serve as jurymen at the said court, at the term to commence the first of June next, as has been before issued by the clerk of the said court for the like purpose, returnable to June term, one thousand seven hundred and ninety-five; that the persons ordered by the said process to be summoned for the said purpose shall be ordered to be summoned in the same proportion and from the same counties as those persons who were ordered to be summoned for the like purpose by process returnable at June term, one thousand seven hundred and ninety-five: *Provided*, That if it shall appear expedient to the said district judge that a different time of notice shall be prescribed than that hitherto prescribed, he may cause such other time of notice to be directed to be given as to him shall appear most conducive to justice and convenient to the persons so summoned; and the marshal is hereby directed to execute the said process so to be issued, and the persons who shall be legally summoned to attend as jurymen in consequence thereof are hereby required to attend the said court, under the like penalties for disobedience as if the said process had been ordered to be issued by the said court in the ordinary method of proceeding; and the marshal and the persons who shall attend as jurymen in virtue of the said process so to be issued shall be entitled to the like allowance for their services, respectively.

Sec. 2. And be it further enacted, That all suits and proceedings, of what nature or kind soever, which have been commenced in the said court and not finished, shall be proceeded on at the ensuing term, in the same manner and to the same effect as if the said Circuit Court had been regularly held for the purpose of business in June and November terms, one thousand seven hundred and ninety-five, and continuances had been regularly entered of all suits and proceedings in either or both of the said terms, in which they were depending, in the usual manner of proceeding, as the case might be.

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SEC. 3. *And be it further enacted*, That all writs and other process sued out of the clerk's office of the said Circuit Court, according to the accustomed method of bearing teste in November term, one thousand seven hundred and ninety-four, June term, one thousand seven hundred and ninety-five, or November term, one thousand seven hundred and ninety-five, shall be held and deemed of the same validity and effect as if the respective terms of June and November, one thousand seven hundred and ninety-five, had been regularly held by a judge or judges competent to do business and continuances in respect to writs or other process returnable to the two last mentioned terms had been regularly entered.

Approved, March 31, 1796.

An Act to continue in force "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes."

Be it enacted, &c., That the act, entitled "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes," be, and is hereby, continued in force for the term of two years from the passing of this act, and from thence to the end of the next session of Congress thereafter, and no longer.

Approved, March 31, 1796.

An Act authorizing the erection of a light-house on Baker's island, in the State of Massachusetts.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to provide, by contract, which shall be approved by the President of the United States, for building a light-house on Baker's island, near the entrance into the harbor of Salem and Beverly, in the State of Massachusetts, (as soon as a cession of the jurisdiction to the United States over the land proper for the purpose is made by the said State,) and to furnish the same with all necessary supplies; and also to agree to the salaries or wages of the person or persons who may be appointed by the President for the superintendence and care of the same; and that the President be authorized to make the said appointments. That the number or disposition of the light or lights in the said light-house be such as may tend to distinguish it from others, as far as practicable; and that six thousand dollars be appropriated for the same, out of any moneys not otherwise appropriated.

Approved, April 8, 1796.

An Act for establishing trading-houses with the Indian tribes.

Be it enacted, &c., That it shall be lawful for the President of the United States to establish trading-houses at such posts and places on the western and southern frontiers, or in the Indian country, as he shall judge most convenient for the purpose of carrying on a liberal trade with the

several Indian nations within the limits of the United States.

SEC. 2. *And be it further enacted*, That the President be authorized to appoint an agent for each trading-house established, whose duty it shall be to receive and dispose of in trade with the Indian nations aforementioned such goods as he shall be directed by the President of the United States to receive and dispose of as aforesaid, according to the rules and orders which the President shall prescribe; and every such agent shall take an oath or affirmation faithfully to execute the trust committed to him; and that he will not, directly or indirectly, be concerned or interested in any trade, commerce, or barter with any Indian or Indians whatever, but on the public account; and shall also give bond, with sufficient security, in such sum as the President of the United States shall direct, truly and honestly to account for all the money, goods, and other property whatever, which shall come into his hands, or for which, in good faith, he ought so to account, and to perform all the duties required of him by this act; and his accounts shall be made up half-yearly, and transmitted to the Secretary of the Treasury of the United States.

SEC. 3. *And be it further enacted*, That the agents, their clerks, or other persons employed by them, shall not be, directly or indirectly, concerned or interested in carrying on the business of trade or commerce on their own or any other than the public account, or take, or apply to his or their own use, any emolument or gain for negotiating or transacting any business or trade during their agency or employment, other than is provided by this act. And if any such person shall offend against any of the prohibitions aforesaid, he or they shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, forfeit to the United States a sum not exceeding one thousand dollars, and shall be removed from such agency or employment, and forever thereafter be incapable of holding any office under the United States: *Provided*, That if any other person than a public prosecutor shall give information of any such offence, upon which a prosecution and conviction shall be had, one-half the aforesaid penalty, when received, shall be for the use of the person giving such information.

SEC. 4. *And be it further enacted*, That the prices of the goods supplied to, and to be paid for by the Indians, shall be regulated in such manner that the capital stock furnished by the United States may not be diminished.

SEC. 5. *And be it further enacted*, That during the continuance of this act the President of the United States be, and he is hereby, authorized to draw annually from the Treasury of the United States a sum not exceeding eight thousand dollars, to be applied, under his direction, for the purpose of paying the agents and clerks; which agents shall be allowed to draw out of the public supplies two rations each, and each clerk one ration per day.

SEC. 6. *And be it further enacted*, That one hundred and fifty thousand dollars, exclusive of the

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allowances to agents and clerks, be, and they are hereby, appropriated for the purpose of carrying on trade and intercourse with the Indian nations in the manner aforementioned, to be paid out of any moneys unappropriated in the Treasury of the United States.

SEC. 7. *And be it further enacted*, That if any agent or agents, their clerks, or other persons employed by them, shall purchase or receive from any Indian, in the way of trade or barter, a gun, or other article commonly used in hunting; any instrument of husbandry, or cooking utensil, of the kind usually obtained by Indians in their intercourse with white people; any article of clothing, (except skins or furs,) he or they shall, respectively, forfeit the sum of one hundred dollars for each offence, to be recovered by action of debt, in the name and to the use of the United States, in any court of law of the United States, or of any particular State having jurisdiction in like cases, or in the Supreme or Superior Courts of the Territories of the United States: *Provided*, That no suit shall be commenced except in the State or Territory within which the cause of action shall have arisen, or the defendant may reside; and it shall be the duty of the Superintendents of Indian Affairs and their deputies, respectively, to whom information of every such offence shall be given, to collect the requisite evidence, if attainable, and to prosecute the offender without delay.

SEC. 8. *And be it further enacted*, That this act shall be in force for the term of two years, and to the end of the next session of Congress thereafter, and no longer.

Approved, April 18, 1796.

An Act supplementary to an act, entitled "An act to provide a Naval Armament."

Be it enacted, &c., That the President of the United States be authorized to continue the construction and equipment (with all convenient expedition,) of two frigates of forty-four and one frigate of thirty-six guns," anything in the act, entitled "An act to provide a naval armament," to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That so much of the sum of six hundred and eighty-eight thousand eight hundred and eighty-eight dollars and eighty-two cents, which by the act of June the ninth, one thousand seven hundred and ninety-four, was appropriated, (to defray the expenses to be incurred pursuant to the act to provide a naval armament,) as remains unexpended, as well as the sum of eighty thousand dollars, which was appropriated for a provisional equipment of galleys by the before-recited act, be appropriated for the said purposes.

SEC. 3. *And be it further enacted*, That the President of the United States be and he is hereby authorized to cause to be sold, such part of the perishable materials as may not be wanted for completing the three frigates, and to cause the surplus of the other materials to be safely kept for the future use of the United States.

Approved, April 20, 1796.

An Act authorizing and directing the Secretary of War to place certain persons therein named on the pension list.

Be it enacted, &c., That the Secretary for the Department of War be and he is hereby directed to place upon the list of invalid pensioners of the United States the persons hereinafter named, who have been returned as such by the judges of the several districts, pursuant to the act of Congress passed the twenty-eighth day of February, one thousand seven hundred and ninety-three, entitled "An act to regulate the claims to invalid pensions," at the rates and proportions annexed to the names of the said persons respectively; that is to say:

Of the District of Maine—Daniel Brawn, a private, two-thirds of a pension; John Knowles, a private, one third of a pension; Ebenezer Phinney, a private, one fourth of a pension.

Of the District of New Hampshire—Jonas Adams, a private, one-third of a pension; Andrew Aiken, a sergeant-major, three-fourths of a pension; Caleb Aldrich, a sergeant, a full pension; Caleb Austin, a private, one-third of a pension; John Barter, a sergeant, half a pension; Archelaus Batchelder, a sergeant, half a pension; Ebenezer Bean, a private, one-third of a pension; Job Briton, a private, one-third of a pension; Ebenezer Carleton, a private, three-fourths of a pension; Levi Chubbuck, a fifer, one-fourth of a pension; Edward Clark, a sergeant, one-fourth of a pension; Morrell Coburn, a private, one-fourth of a pension; Richard Colony, a private, half a pension; Ebenezer Copp, a sergeant, a full pension; James Crombie, a lieutenant, a full pension; William Curtiss, a private, half a pension; Henry Danforth, a private, half a pension; James Dean, a private, one-fourth of a pension; Lemuel Dean, a private, half a pension; Thomas Eastman, a private, three-fourths of a pension; Ebenezer Fletcher, a fifer, one-fourth of a pension; James Ford, a captain, half a pension; Stephen Fuller a private, one-third of a pension; Moses Sweet George, a private, half a pension; Joshua Gilman, a private, two-thirds of a pension; Windsor Gleason, a private, one-fourth of a pension; Joseph Greely, a private, one-fourth of a pension; Joseph Green, a private, half a pension; Joshua Haynes, a private, half a pension; Joseph Hilton, a lieutenant, half a pension; Nathan Holt, a private, one-fourth of a pension; Jonathan Holten, a lieutenant, half a pension; Caleb Hunt, a private, half a pension; Humphrey Hunt, a private, one-fourth of a pension; Charles Huntoon, jr., a private, one-third of a pension; Zadoc Hurd, a private, one-third of a pension; Ebenezer Jennings, a sergeant, one-fourth of a pension; Peter Johnson, a private, one-fourth of a pension; Thos. Kimball, a private, one-fifth of a pension; Abm. Kimball, a private, half a pension; Benjamin Knight, a sergeant, one-third of a pension; John Knight, a private, half a pension; Jonathan Lake, a corporal, half a pension; John Lapish, a private, one-fourth of a pension; Nathaniel Leavitt, a corporal, half a pension; John Lincoln, a private, one-fourth of a pension; Joshua Lovejoy, a sergeant, half a pension; William Lowell, a sergeant,

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three-fourths of a pension; Jonathan Margery, a private, two-thirds of a pension; James Moore, a private, a full pension; Samuel Morrell, a private, two-fifths of a pension; Joseph Moss, a private, two-thirds of a pension; Jotham Nute, a sergeant, half a pension; Phineas Parkhurst, a fifer, a full pension; Amos Pierce, a lieutenant, one-third of a pension; Silas Pierce, a lieutenant, half a pension; Joel Porter, a private, one-fourth of a pension; Samuel Potter, a sergeant, half a pension; Thomas Pratt, a private, half a pension; Jeremiah Pritchard, a lieutenant, half a pension; Asa Putney, a sergeant, half a pension; Charles Rice, a private, half a pension; John Smith, a sergeant, half a pension; Samuel Stocker, a private, half a pension; Wm. Taggart, an ensign, half a pension; Eliphalet Taylor, a private, one-third of a pension; Ebenezer Tinkham, a private, one-third of a pension; John Varnum, a private, half a pension; Edward Waldo, a lieutenant, two-thirds of a pension; Weymouth Wallace, a private, half a pension; Josiah Walton, a private, one-third of a pension; Jacob Wellman, jr., a private, one-fourth of a pension; Francis Whitcomb, a private, one-third of a pension; Robert B. Wilkins, a private, two-thirds of a pension; Jonathan Willard, an ensign, one-fourth of a pension; Seth Wyman, a private, one-fourth of a pension.

Of the District of Massachusetts—Thomas Alexander, a captain, half a pension; Ephraim Bailey, a private, half a pension; Robert Bancroft, a private, one-sixth of a pension; James Batchelder, a private, one-fourth of a pension; James Campbell, a private, one-fourth of a pension; Caleb Chadwick, a private, one-fourth of a pension; Barnabas Chapman, a private, one-third of a pension; Richard Chase, a private, half a pension; Joseph Cox, a sergeant, two-thirds of a pension; Thos. Crowell, a private, a full pension; Levi Farnsworth, a private, half a pension; Benjamin Farnum, a captain, one-third of a pension; Moses Fitch, a private, one-fifth of a pension; Frederick Follett, a private, half a pension; Joseph Frost, a private, one-eighth of a pension; Uriah Goodwin, a private, one-fourth of a pension; Joseph Hale, a private, half a pension; Gamaliel Handy, a private, two-thirds of a pension; Peter Hemeuway, a private, half a pension; Jesse Holt, a corporal, one-eighth of a pension; Job Lane, a private, half a pension; Ebenezer Learned, a colonel, one-fourth of a pension; Moses McFarland, a captain, one-third of a pension; Hugh Maxwell, a captain, one-eighth of a pension; John Maynard, a lieutenant, one-tenth of a pension; Tilley Mead, a private, one-fourth of a pension; Elisha Munsell, a private, half a pension; John Nixon, a colonel, one-third of a pension; Timothy Northam, a private, one-third of a pension; Joseph Peabody, a private, one-third of a pension; Amos Pearson, a sergeant, one-fifth of a pension; Abner Pier, a private, half a pension; Job Priest, an ensign, one-third of a pension; Amasa Scott, a private, one-fourth of a pension; Robert Smith, a private, two-thirds of a pension; Sylvanus Snow, a private, one-third of a pension; Cæsar Sprague, a private, half a pension; Samuel Warner, a private, half a pension;

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William Warren, a lieutenant, one-third of a pension; Samuel Willington, a private, half a pension; Nahum Wright, a sergeant, one-eighth of a pension.

Of the District of Rhode Island—Clark Albrow, a private, one-fourth of a pension; John Baggs, jr., a sergeant, one-third of a pension; Robert Cars, a private, half a pension; Jonathan Davenport, a private, one twenty-fourth of a pension; Nathan Jacquays, a private, one-third of a pension; William Lunt, a private, half a pension; George Pople, a sergeant, one-eighth of a pension; Job Snell, a private, one-fourth of a pension; Edward Vose, a sergeant, one-sixth of a pension.

Of the district of Connecticut—Theodore Andrus, a private, a full pension; Samuel Andrus, a corporal, half a pension; William Bailey, a private, one-fourth of a pension; Robert Bailey, a private, one-fourth of a pension; Job Bartram, a captain, half a pension; Francis Baxter, a private, three-fourths of a pension; Enos Blakesley, a private, a full pension; David Blackman, a private, two-thirds of a pension; Elijah Boardman, a sergeant, three-fourths of a pension; Jonathan Bowers, a corporal, half a pension; Anor Bradley, a sergeant, half a pension; Jedediah Brown, a sergeant, one-fourth of a pension; Isaac Buel, a private, one-third of a pension; Oliver Burnham, a sergeant, one-fourth of a pension; William Burritt, a private, one-fourth of a pension; John Chappell, a private, one-third of a pension; Elisha Clark, a private, one fourth of a pension; Jonah Cook, a private, half a pension; Henry Cone, a private, one-fourth of a pension; Simon Crosby, a private, half a pension; Prince Dennison, a private, half a pension; Israel Dibble, a private, one-third of a pension; Gershom Dorman, a private, one-third of a pension; Joseph Dunbar, a corporal, three-fourths of a pension; Henry Fillmore, a private, half a pension; Samuel French, a private, half a pension; Burr Gilbert, a corporal, two-thirds of a pension; David Hall, jr., a sergeant, half a pension; Nathan Hawley, a corporal, one-third of a pension; Daniel Hewitt, a sergeant, one-third of a pension; Isaac Higgins, a private, half a pension; Thurston Hilliard, a private, one-third of a pension; Thomas Hobby, a major, half a pension; John Horseford, a private, one-eighth of a pension; Benjamin Howd, a private, three-fourths of a pension; Elijah Hoyt, a private, half a pension; David Hubble, a private, half a pension; Enoch Jacobs, a private, three-fourths of a pension; Robert Jeroine, a fifer, one-fourth of a pension; Aaron Kelsey, a lieutenant, one-fourth of a pension; Lee Lay, a captain, one-sixth of a pension; John Ledyard, a private, three-fourths of a pension; William Leeds, a lieutenant, half a pension; Naboth Lewis, a private, two-thirds of a pension; Nathaniel Lewis, a private, one-fourth of a pension; George Lord, a private, half a pension; Samuel Loomis, a corporal, one-fourth of a pension; Jeremiah Markham, a sergeant, half a pension; Allyn Marsh, a corporal, half a pension; Josiah Merryman, a corporal, two-thirds of a pension; Stephen Minor, a quarter-gunner, half a pension;

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Justus Munn, a private, half a pension; Elnathan Norton, a private, three-fourths of a pension; Joseph Otis, a private, half a pension; Thomas Parmelee, a sergeant, one eighth of a pension; Chandler Pardie, a private, seven-eighths of a pension; Frederick Platt, a private, one-third of a pension; Daniel Preston, a private, one-third of a pension; David Ranney, a private, three-fourths of a pension; Solomon Renolds, a private, two-thirds of a pension; Isaac Richards, a private, one-third of a pension; Samuel Rossetter, a private, half a pension; Elijah Royce, a private, three-fourths of a pension; Elihu Sabin, a private, half a pension; Samuel Sawyer, a private, half a pension; Nathan Scribner, a captain, one-fourth of a pension; Thomas Shepherd, a private, one-fourth of a pension; Amos Skeel, a private, one-third of a pension; Heber Smith, a sergeant, half a pension; Aaron Smith, a private, one-fourth of a pension; Edmund Smith, a private, half a pension; Josiah Spalding, a lieutenant, half a pension; Samuel Stillman, a private, half a pension; Benjamin Sturges, a private, one-sixth of a pension; Enoch Turner, jr., a private, two-thirds of a pension; Richard Watrous, a private, three-fourths of a pension; Stephen Wells, a lieutenant, half a pension; Jonathan Whaley, a private, one-fourth of a pension; Ezra Wilcox, a private, one-fourth of a pension; Azel Woodworth, a private, three-fourths of a pension.

Of the District of Vermont—Elijah Barnes, a private, one-fourth of a pension; Elijah Bennett, a private, half a pension; Gideon Brownson, a major, a full pension; Thomas Brush, a private, one-fourth of a pension; David Brydia, a private, half a pension; Nathan Burr, a private, half a pension; James Campbell, a private, half a pension; Oliver Darling, a private, five-eighths of a pension; Samuel Eyres, a private, one-fourth of a pension; Asa Gould, a private, half a pension; Benjamin Gould, a private, half a pension; Amasa Grover, a private, one-third of a pension; William Hazeltine, a private, half a pension; Jonathan Haynes, a private, two-thirds of a pension; Zimri Hill, a private, half a pension; William Hunt, a private, half a pension; Elijah Knight, a private, one-fourth of a pension; Ebenezer McIlvaine, a private, half a pension; William Martin, a private, two-thirds of a pension; Pliny Pomeroy, a private, four-fifths of a pension; Moses Saunderson, a private, two-thirds of a pension; John Stark, a captain, one-fourth of a pension; Thomas Torrance, a private, half a pension; Benjamin Tower, a private, two-thirds of a pension; William Waterman, a private, one-third of a pension; John Wilson, a sergeant, one-third of a pension.

Of the District of New York—Thomas Baldwin, a sergeant, half a pension; Abraham Blauvelt, a private, a full pension; Thomas Brooks, a private, three-fourths of a pension; Duncan Campbell, a lieutenant, half a pension; William Champenois, a private, three-fourths of a pension; Russell Chappell, a private, half a pension; Jeremiah Everett, a private, half a pension; Samuel Miller, a private, a full pension; Jared Palmer, a

sergeant, half a pension; Stephen Powell, a private, one-sixteenth of a pension; John Rogers, a private, half a pension; William Smith Scudder, a private, half a pension; James Slater, a private, half a pension; John Uters, a private, three-fourths of a pension; John Vaughn, a sergeant, one-fourth of a pension; Asa Virgil, a private, one-fourth of a pension.

Of the District of New Jersey—William Crane, a lieutenant, a full pension; William Oliver, a lieutenant, two-thirds of a pension; Joel Phelps, a private, half a pension; Samuel Taylor a corporal, two-thirds of a pension.

Of the District of Pennsylvania—John Cardiffe, a private, a full pension; Josiah Conckling, a private, half a pension; William Dewitt, a private, half a pension; Thomas Eagan, a matross, half a pension; Jacob Fox, a private, one-third of a pension; Alexander Garrett, a private, three-fourths of a pension; Samuel Gilman, (alias Gilmore,) a private, half a pension; Adam Godenberger a private, one-fourth of a pension; John Haley, a corporal, three-fourths of a pension; David Hickey, a private, a full pension; Lawrence Hipple, a private, half a pension; Nathaniel Hubble, a major, two-thirds of a pension; Philip Lauer, a sergeant, one-fourth of a pension; Charles McCormick, a private, a full pension; William McHatten, a lieutenant, a full pension; Michal Orner, a private, one-fourth of a pension; Griffith Rees, a private, half a pension; Thomas Richart, a private, a full pension; Edward Wade, a private, half a pension; Thadeus Williams, a private, one-fourth of a pension; John Wright, a sergeant, half a pension.

Of the District of Delaware—Donald McDonald, a corporal, a full pension.

Of the District of Maryland—John Bean, a private, half a pension; William Ormond, a private, three-fourths of a pension.

Of the District of Virginia—John Bell, a lieutenant, three-fourths of a pension; David Welch, a private, a full pension.

Of the District of Kentucky—James Speed, a lieutenant, a full pension.

Of the District of North Carolina—John Benton, a private, a full pension; George Bledsoe, a private, a full pension; Thomas Chiles, a captain, two-thirds of a pension; James Christian, a private, half a pension; Robert Harris, a private, a full pension; John Knowles, a private, two-thirds of a pension; James Smith, a private, a full pension.

SEC. 2. *And be it further enacted,* That the pensions allowed by this act shall be estimated in manner following, that is to say: A full pension to a commissioned officer shall be considered the one-half of his monthly pay, as by law established; and the proportions less than a full pension, shall be the like proportions of half pay. And a full pension to a non-commissioned officer or private soldier, shall be five dollars per month; and the proportions less than a full pension, shall be the like proportions of five dollars per month: *Provided,* That every commissioned officer who shall, by virtue of this act, be placed on the pen-

sion list, as entitled to a sum less than a full pension, shall receive such pension only upon compliance with the same rule respecting a return of the commutation which he may have received, as is provided for in the case of Captain David Cook, by an act of Congress passed December the sixteenth, one thousand seven hundred and ninety-one.

SEC. 3. *And be it further enacted*, That the pensioners aforesaid shall be paid in the same manner as invalid pensioners are paid, who have heretofore been placed on the list of pensioners of the United States, under such restrictions and regulations, in all respects, as are prescribed by the laws of the United States in such cases provided.

Approved, April 20, 1796.

An Act in addition to an act, entitled "An act making further provision for the support of Public Credit, and for the redemption of the Public Debt."

Be it enacted, &c., That it shall be lawful for the Commissioners of the Sinking Fund, and they are hereby required, to cause the funded stock of the United States, bearing a present interest of six per centum per annum, to be reimbursed and paid in manner following, to wit: First, by dividends to be made on the last days of March, June, and September, for the present year, and from the year one thousand seven hundred and ninety-seven to the year one thousand eight hundred and eighteen, inclusive, at the rate of one and one-half per centum upon the original capital. Secondly, by dividends to be made on the last day of December for the present year, and from the year one thousand seven hundred and ninety-seven to the year one thousand eight hundred and seventeen, inclusive, at the rate of three and one-half per centum upon the original capital; and by a dividend to be made on the last day of December, in the year one thousand eight hundred and eighteen, of such a sum as will be then adequate, according to the contract, for the final redemption of the said stock.

SEC. 2. *And be it further enacted*, That it shall be lawful for the said Commissioners of the Sinking Fund, and they are hereby required, to cause the funded debt of the United States, upon which an interest of six per centum per annum will commence on the first day of January, in the year one thousand eight hundred and one, to be reimbursed and paid in manner following, to wit: First, by dividends to be made on the last days of March, June, and September, from the year one thousand eight hundred and one to the year one thousand eight hundred and twenty-four, inclusively, at the rate of one and one-half per centum upon the original capital. Secondly, by dividends to be made on the last day of December, from the year one thousand eight hundred and one to the year one thousand eight hundred and twenty-three, inclusively, at the rate of three and one-half per centum upon the original capital; and by a dividend to be made on the last day of December, in the year one thousand eight hundred and twenty-four, of such a sum as will be then adequate.

according to the contract, for the final redemption of the said stock.

SEC. 3. *And be it further enacted*, That it shall be lawful for the said Commissioners of the Sinking Fund, and they are hereby required, to cause to be reimbursed and paid, in manner before prescribed, such sum and sums, as, according to the right for that purpose reserved, may rightfully be paid for and towards the reimbursement or redemption of all such balances of the funded debt or stock of the United States, bearing a present interest of six per centum per annum, or which will bear a like interest from and after the first day of January, in the year one thousand eight hundred and one, as stand to the credit of certain States, in consequence of an act passed on the thirty-first day of May, in the year one thousand seven hundred and ninety-four; and, with the consent of the said States, such additional sums as will render the reimbursement of the said balances equal to that made upon the residue of the said stock, at the commencement of the present year.

SEC. 4. *And be it further enacted*, That, in addition to the sums already appropriated to the Sinking Fund, by the act, entitled "An act making further provision for the support of Public Credit, and for the redemption of the Public Debt," there shall be, and is hereby, in like manner, appropriated to the said fund, such a sum of the duties on goods, wares, and merchandise imported, on the tonnage of ships and vessels, and on spirits distilled in the United States, and on stills, as, with the moneys which now constitute the Sinking Fund, and shall accrue to it, in virtue of the provisions already made by law, and the interest upon the sums which shall be annually reimbursed, will be sufficient, yearly and every year, to reimburse and pay the said balances standing to the credit of certain States, in the manner hereinbefore prescribed and directed.

SEC. 5. *And be it further enacted*, That it shall be lawful for the Commissioners of the Sinking Fund to appoint a secretary, whose duty it shall be to record and preserve their proceedings and documents, and to certify copies thereof, when thereunto duly required; and the said secretary shall be allowed a compensation not exceeding two hundred and fifty dollars annually, for his services.

Approved, April 28, 1796.

An Act making an appropriation towards defraying the expenses which may arise in carrying into effect the Treaty of Amity, Commerce, and Navigation, made between the United States and the King of Great Britain.

Be it enacted, &c., That, towards defraying the expenses which may arise in carrying into effect the Treaty of Amity, Commerce, and Navigation, made between the United States and the King of Great Britain, there be appropriated a sum not exceeding eighty thousand eight hundred and eight dollars, to be paid out of the duties on import and tonnage, to the end of the present year,

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not already appropriated: *Provided*, That the compensations to be allowed to any of the Commissioners appointed, or to be appointed, in pursuance of any article of the said treaty, shall not exceed, to those who shall serve in Great Britain, the rate of six thousand six hundred and sixty-seven dollars and fifty cents per annum; and to those who shall serve in the United States, the rate of four thousand four hundred and forty-five dollars per annum.

Approved, May 8, 1796.

An Act making an appropriation for defraying the expenses which may arise in carrying into effect the Treaty made between the United States and the Dey and Regency of Algiers.

Be it enacted, &c., That, for the purpose of defraying the expenses of carrying into effect the Treaty made between the United States and the Dey and Regency of Algiers, the moneys arising under the revenue laws of the United States, which have been heretofore passed, not already appropriated to any other purpose, or so much thereof as may be necessary, to the amount of twenty-four thousand dollars per annum, be, and the same are hereby pledged and appropriated for the payment of the annuity stipulated in the said treaty, to be paid to the said Dey and Regency of Algiers; and to continue so pledged and appropriated, so long as the said treaty shall be in force.

Approved, May 6, 1796.

An Act making an appropriation for defraying the expenses which may arise in carrying into effect the Treaty made between the United States and the King of Spain.

Be it enacted, &c., That, for the purpose of defraying the expenses which may arise in carrying into effect the Treaty made between the United States and the King of Spain, a sum not exceeding eighteen thousand six hundred and eighty-three dollars, be, and the same hereby is appropriated, to be satisfied from the duties of impost and tonnage, to the end of the present year, not heretofore appropriated: *Provided*, That the compensation to be allowed to any of the Commissioners, to be appointed in pursuance of any article of the said treaty, shall not exceed the rate of three thousand five hundred dollars per annum.

Approved, May 6, 1796.

An Act making appropriation for defraying the expenses which may arise in carrying into effect a Treaty made between the United States and certain Indian tribes northwest of the river Ohio.

Be it enacted, &c., That, for the purpose of defraying the expenses which may arise in carrying into effect the Treaty made between the United States and the tribes of Indians called the Wyandots, Delawares, Shawanees, Ottawas, Chippewas, Pattawatimas, Miamis, Eel-river, Wea, Kickapoo, Piankeshaw, and Kaskaskias, at Greenville, on the third day of August, one thousand

seven hundred and ninety-five, the moneys arising under the revenue laws of the United States, which have been heretofore passed, not already appropriated to any other purpose, or so much thereof as may be necessary, be, and are hereby pledged and appropriated for the payment of the annuity stipulated in the said treaty, to be paid to the said Indian tribes; that is to say, to the Wyandots, one thousand dollars; to the Delawares, one thousand dollars; to the Shawanees, one thousand dollars; to the Ottawas, one thousand dollars; to the Chippewas, one thousand dollars; to the Pattawatimas, one thousand dollars; to the Miamis, one thousand dollars; to the Eel-river, Wea, Kickapoo, Piankeshaw, and Kaskaskias tribes, each five hundred dollars; and to continue so pledged and appropriated so long as the said treaty shall be in force. And that a further sum of one thousand five hundred dollars, out of the moneys aforesaid, be also appropriated to defray the cost of transportation, and other contingent charges which may arise from the payment of the said annuity, according to the stipulations contained in the said treaty.

Approved, May 6, 1796.

An Act authorizing a loan for the use of the City of Washington, in the District of Columbia, and for other purposes therein mentioned.

Be it enacted, &c., That the Commissioners under the act, entitled "An act for establishing the temporary and permanent seat of the Government of the United States," be, and they are hereby authorized, under the direction of the President of the United States, to borrow, from time to time, such sum or sums of money, as the said President shall direct, not exceeding three hundred thousand dollars in the whole, and not exceeding two hundred thousand dollars, in any one year, at an interest not exceeding six per centum per annum, and reimbursable at any time after the year one thousand eight hundred and three, by instalments, not exceeding one-fifth of the whole sum borrowed in any one year; which said loan or loans shall be appropriated and applied by the said Commissioners in carrying into effect the above recited act, under the control of the President of the United States.

SEC. 2. *And be it further enacted*, That all the lots, except those now appropriated to public use in the said city, vested in the Commissioners aforesaid, or in trustees, in any manner, for the use of the United States, now holden and remaining unsold, shall be, and are hereby declared and made chargeable with the repayment of all and every sum and sums of money, and interest thereupon, which shall be borrowed in pursuance of this act: And to the end that the same may be fully and punctually repaid, the said lots, or so many of them as shall be necessary, shall be sold and conveyed, at such times, and in such manner, and on such terms, as the President of the United States, for the time being, shall direct: And the moneys arising from the said sales shall be applied and appropriated, under his direction, to the dis-

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charge of the said loans, after first paying the original proprietors any balances due to them respectively, according to their several conveyances, to the said Commissioners or trustees. And if the product of the sales of all the said lots shall prove inadequate to the payment of the principal and interest of the sums borrowed under this act, then the deficiency shall be paid by the United States, agreeably to the terms of the said loans; for it is expressly hereby declared and provided, that the United States shall be liable only for the repayment of the balance of the moneys to be borrowed under this act which shall remain unsatisfied by the sales of all the lots aforesaid, if any such balance shall thereafter happen.

SEC. 3. *And be it further enacted*, That every purchaser or purchasers, his or their heirs or assigns, from the said Commissioners or trustees, under the direction of the said President, of any of the lots hereinbefore mentioned, after paying the price, and fulfilling the terms stipulated and agreed to be paid and fulfilled, shall have, hold, and enjoy the said lot or lots so bought, free, clear and exonerated from the charge and incumbrance hereby laid upon the same.

SEC. 4. *And be it further enacted*, That the Commissioners aforesaid shall, semi-annually, render to the Secretary of the Treasury a particular account of the receipts and expenditures of all moneys entrusted to them, and also the progress and state of the business, and of the funds under their administration; and that the said Secretary lay the same before Congress, at every session after the receipt thereof.

Approved, May 6, 1796.

An Act making further provision relative to the Revenue Cutters.

Be it enacted, &c., That, from and after the first day of May, in the present year, there be allowed, in lieu of the compensation now established, to the master of each revenue cutter, fifty dollars per month; to each first mate, thirty-five dollars per month; to each second mate, thirty dollars per month; to each third mate, twenty-five dollars per month; and to each mariner, not exceeding twenty dollars per month; to be paid by the collectors of the revenue, who shall be designated for that purpose.

SEC. 2. *And be it further enacted*, That all penalties, fines, and forfeitures, which may be incurred under the impost laws of the United States, and recovered in consequence of information given by any officer of a revenue cutter, shall, after deducting all proper costs and charges, be disposed of as follows: One-fourth part shall be for the use of the United States, and be paid into the Treasury thereof; one-fourth part for the officers of the customs, to be distributed in the manner now provided, relative to that part of the forfeitures they are now entitled to; and the remainder thereof to the officers of such cutter, to be divided among them in proportion to their pay.

SEC. 3. *And be it further enacted*, That the

President of the United States be, and he hereby is, authorized to cause other revenue cutters to be built or purchased, in lieu of such as are or shall, from time to time, become unfit for further service; the expense whereof, as well as all future expenses of building, purchasing or repairing revenue cutters, shall be paid out of the product of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels.

SEC. 4. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to cause such revenue cutters as as shall, from time to time, become unfit for service, to be sold at public auction, and the proceeds of such sales to be paid into the Treasury of the United States.

SEC. 5. *And be it further enacted*, That so much of this act as fixes the compensation of the officers and men on board the said cutters shall be and remain in force for the term of one year, and from thence to the end of the next session of Congress thereafter, and no longer.

Approved, May 6, 1796.

An Act to continue in force, for a limited time, an act, entitled "An act declaring the consent of Congress to an act of the State of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, for the appointment of a health officer."

Be it enacted, &c., That the consent of Congress be, and is hereby, granted and declared to the operation of an act of the General Assembly of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, entitled "An act to appoint a health officer for the port of Baltimore, in Baltimore county," so far as to enable the State aforesaid to collect a duty of one cent per ton, on all vessels coming into the District of Baltimore, from a foreign voyage, for the purposes in the said act intended.

SEC. 2. *And be it further enacted*, That this act shall be in force for one year, and from thence to the end of the next session of Congress thereafter, and no longer.

Approved, May 6, 1796.

An Act to repeal so much of an act, entitled "An act to establish the Judicial Courts of the United States, as directs that alternate sessions of the Circuit Court for the District of Pennsylvania shall be holden at Yorktown; and for other purposes.

Be it enacted, &c., That so much of the fifth section of the act, entitled "An act to establish the Judicial Courts of the United States," as directs that alternate sessions of the Circuit Court for the District of Pennsylvania shall be holden at Yorktown, be, and the same is hereby repealed; and that all the sessions of the said Circuit Court, shall, from and after the passing of this act, be holden at the city of Philadelphia, excepting only, when, at any session of the said court, the judges thereof shall direct the next session to be holden at Yorktown, which they are hereby au-

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thorized and empowered to do, whenever it shall appear to them to be necessary.

SEC. 2. *And be it further enacted*, That all such process of the said courts as may have issued before the passing of this act, and all recognisances returnable, and all suits and other proceedings that were continued to the said Circuit Court for the District of Pennsylvania, on the eleventh of October next, in Yorktown, shall now be returned, and held continued to the same court, on the same day, at Philadelphia. And to the end that suitors, witnesses, and all others concerned, may have notice of the alteration hereby made, the marshal of the said District of Pennsylvania is hereby required to make the same known by proclamation, on or before the first day of August next.

Approved, May 12, 1796.

An act allowing compensation for horses killed in battle belonging to officers of the army of the United States.

Be it enacted, &c., That every officer in the army of the United States, whose duty requires him to be on horseback in time of action, and whose horse shall be killed in battle, be allowed a sum not exceeding two hundred dollars, as a compensation for each horse so killed.

SEC. 2. *And be it further enacted*, That the provision contained in this act shall have retrospective operation, so far as the fourth day of March, in the year one thousand seven hundred and eighty-nine: *Provided*, That no person shall receive payment for any horse so killed, until he make satisfactory proof to the Secretary at War, that the horse for which he claims compensation was actually killed under such circumstances as to entitle him to this provision, in all cases which have heretofore taken place within one year after the end of the present session of Congress; and in all cases which may take place hereafter, within one year after such horse shall have been killed.

SEC. 3. *And be it further enacted*, That the proof of the value of such horse shall be by the affidavit of the quartermaster of the corps to which the owner may belong, or of two other credible witnesses.

Approved, May 12, 1796.

An Act declaring the consent of Congress to a certain act of the State of Maryland, and to continue an act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations, so far as the same respects the States of Georgia, and Rhode Island and Providence Plantations.

Be it enacted, &c., That the consent of Congress be, and is hereby granted and declared to the operation of an act of the General Assembly of Maryland, made and passed at a session begun and held at the city of Annapolis, on the first Monday of November, in the year one thousand seven hundred and ninety-one, entitled "An act empowering the wardens of the port of Baltimore to levy and collect the duty therein mentioned."

SEC. 2. *And be it further enacted*, That the act, entitled "An act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations," shall be continued, and is hereby declared to be in full force, so far as the same respects the States of Georgia, and Rhode Island and Providence Plantations.

SEC. 3. *And be it further enacted*, That this act shall be and continue in force for the term of three years, and from thence to the end of the next session of Congress thereafter, and no longer.

Approved, May 12, 1796.

An Act authorizing the erection of a Lighthouse on Cape Cod, in the State of Massachusetts.

Be it enacted, &c., That it shall be the duty of the Secretary of the Treasury to provide, by contract, which shall be approved by the President of the United States, for building a lighthouse on Cape Cod, in the State of Massachusetts, (as soon as the necessary cession of land for the purpose shall be made by the said State to the United States;) and to furnish the same with all necessary supplies: And also to agree for the salaries or wages of the person, or persons, who may be appointed by the President for the superintendence and care of the same: And that the number or disposition of the light or lights in the said lighthouse, be such as may tend to distinguish it from others, as far as is practicable; and that the light or lights on Gurnet-head, at the entrance of Plymouth harbor, be altered or diminished, if necessary: And that eight thousand dollars be appropriated for the same out of any moneys not otherwise appropriated.

Approved, May 17, 1796.

An Act to authorize Ebenezer Zane to locate certain lands in the Territory of the United States north-west of the river Ohio.

Be it enacted, &c., That, upon the conditions hereinafter mentioned, there shall be granted to Ebenezer Zane three tracts of land, not exceeding one mile square each, one on the Muskingum river, one on Hockhocking river, and one other on the north bank of Sciota river, and in such situations as shall best promote the utility of a road to be opened by him on the most eligible route between Wheeling and Limestone, to be approved by the President of the United States, or such person as he shall appoint for that purpose: *Provided*, such tracts shall not interfere with any existing claim, location, or survey; nor include any salt-spring, nor the lands on either side of the river Hockhocking at the falls thereof.

SEC. 2. *And be it further enacted*, That, upon the said Zane's procuring at his own expense the said tracts to be surveyed in such way and manner as the President of the United States shall approve, and returning into the Treasury of the United States plats thereof, together with warrants granted by the United States for military land bounties to the amount of the number of acres contained in the said three tracts: and

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also producing satisfactory proof, by the first day of January next, that the aforesaid road is opened and ferries established upon the rivers aforesaid, for the accommodation of travelers, and giving security that such ferries shall be maintained, during the pleasure of Congress, the President of the United States shall be, and he hereby is, authorized and empowered to issue letters patent, in the name and under the seal of the United States, thereby granting and conveying to the said Zane and his heirs the said tracts of land located and surveyed as aforesaid; which patents shall be countersigned by the Secretary of State and recorded in his office: *Provided always*, That the rates of ferriage at such ferries shall, from time to time, be ascertained by any two of the Judges of the Territory northwest of the river Ohio, or such other authority as shall be appointed for that purpose.

Approved, May 17, 1796.

An Act providing for the sale of Lands of the United States in the Territory northwest of the river Ohio, and above the mouth of Kentucky river.

Be it enacted, &c., That a Surveyor General shall be appointed, whose duty it shall be to engage a sufficient number of skilful surveyors, as his deputies, whom he shall cause, without delay, to survey and mark the unascertained outlines of the lands lying northwest of the river Ohio, and above the mouth of the river Kentucky, in which the titles of the Indian tribes have been extinguished, and to divide the same in the manner hereinafter directed; he shall have authority to frame regulations and instructions for the government of his deputies; to administer the necessary oaths upon their appointment; and to remove them for negligence or misconduct in office.

SEC. 2. *Be it further enacted*, That the part of the said lands, which has not been already conveyed by letters patent, or divided, in pursuance of an ordinance in Congress, passed on the twentieth of May, one thousand seven hundred and eighty-five, or which has not been heretofore, and, during the present session of Congress, may not be appropriated for satisfying military land bounties, and for other purposes, shall be divided by north and south lines, run according to the true meridian, and by others crossing them at right angles, so as to form townships of six miles square, unless where the line of the late Indian purchase, or of tracts of land heretofore surveyed or patented, or the course of navigable rivers may render it impracticable; and then this rule shall be departed from no further than such particular circumstances may require. The corners of the townships shall be marked with progressive numbers from the beginning; each distance of a mile between the said corners shall be also distinctly marked with marks different from those at the corners. One-half of the said townships, taking them alternately, shall be sub-divided into sections, containing, as nearly as may be, six hundred and forty acres each, by running through the same, each way, parallel lines, at the end of every two miles; and by marking a corner, on each of the

said lines, at the end of every mile; the sections shall be numbered respectively, beginning with the number one, in the northern section, and proceeding west and east alternately, through the township, with progressive numbers, till the thirty-sixth be completed. And it shall be the duty of the deputy surveyors, respectively, to cause to be marked, on a tree near each corner, made as aforesaid, and within the section, the number of such section, and over it, the number of the township, within which such section may be; and the said deputies shall carefully note, in their respective field books, the names of the corner trees marked, and the numbers so made. The fractional parts of townships shall be divided into sections, in manner aforesaid, and the fractions of sections shall be annexed to, and sold with, the adjacent entire sections. All lines shall be plainly marked upon trees, and measured with chains containing two perches of sixteen feet and one-half each, sub-divided into twenty-five equal links, and the chain shall be adjusted to a standard to be kept for that purpose. Every surveyor shall note in his field book, the true situations of all mines, salt licks, salt springs, and mill seats, which shall come to his knowledge; all water courses, over which, the line he runs shall pass; and also the quality of the lands. These field books shall be returned to the Surveyor General, who shall therefrom cause a description of the whole lands surveyed, to be made out and transmitted to the officers who may superintend the sales. He shall also cause a fair plat to be made of the townships, and fractional parts of townships, contained in the said lands, describing the sub-divisions thereof, and the marks of the corners. This plat shall be recorded in books to be kept for that purpose; a copy thereof shall be kept open at the Surveyor General's office, for public information; and other copies sent to the places of the sale, and to the Secretary of the Treasury.

SEC. 3. *Be it further enacted*, That a salt spring lying upon a creek which empties into the Sciota river, on the east side, together with as many contiguous sections as shall be equal to one township, and every other salt spring which may be discovered, together with the section of one mile square which includes it, and also four sections at the centre of every township, containing each one mile square, shall be reserved, for the future disposal of the United States. But there shall be no reservations, except for salt springs, in fractional townships, where the fraction is less than three fourths of a township.

SEC. 4. *Be it further enacted*, That, whenever seven ranges of townships shall have been surveyed below the Great Miami, or between the Sciota river and the Ohio company's purchase, or southern boundary of the Connecticut claims and the ranges already laid off, beginning upon the Ohio river and extending westwardly, and the plats thereof made and transmitted, in conformity to the provisions of this act, the said sections of six hundred and forty acres, (excluding those hereby reserved,) shall be offered for sale, at public vendue, under the direction of the Governor,

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or Secretary of the Western Territory, and the Surveyor General; such of them as lie below the Great Miami, shall be sold at Cincinnati; those of them which lie between the Sciota and the Ohio company's purchase, at Pittsburg; and those between the Connecticut claim and the seven ranges, at Pittsburg. And the townships remaining undivided shall be offered for sale, in the same manner at the seat of Government of the United States, under the direction of the Secretary of the Treasury, in tracts of one quarter of a township, lying at the corners thereof, excluding the four central sections, and the other reservations before mentioned: *Provided always*, That no part of the lands directed by this act to be offered for sale, shall be sold for less than two dollars per acre.

SEC. 5. *Be it further enacted*, That the Secretary of the Treasury, after receiving the aforesaid plats, shall forthwith give notice, in one newspaper of each of the United States, and of the Territories northwest and south of the river Ohio, of the times of sale; which shall, in no case, be less than two months from the date of the notice, and the sales at the different places shall not commence, within less than one month of each other. And when the Governor of the Western Territory, or Secretary of the Treasury, shall find it necessary to adjourn, or suspend the sales under their direction, respectively, for more than three days, at any one time, notice shall be given, in the public newspapers, of such suspension, and at what time, the sales will recommence.

SEC. 6. *Be it further enacted*, That immediately after the passing of this act, the Secretary of the Treasury shall, in the manner hereinbefore directed, advertise for sale, the lands remaining unsold in the seven ranges of townships, which were surveyed, in pursuance of an ordinance of Congress, passed the twentieth of May, one thousand seven hundred and eighty-five, including the lands drawn for the army, by the late Secretary of War, and also those heretofore sold, but not paid for; the townships which by the said ordinance are directed to be sold entire, shall be offered for sale, at public vendue in Philadelphia, under the direction of the Secretary of the Treasury, in quarter townships, reserving the four centre sections, according to the directions of this act. The townships which, by the said ordinance, are directed to be sold in sections, shall be offered for sale at public vendue, in Pittsburg, under the direction of the Governor or Secretary of the Western Territory, and such person, as the President may specially appoint for that purpose, by sections of one mile square each, reserving the four centre sections, as aforesaid; and all fractional townships shall also be sold in sections, at Pittsburg, in the manner and under the regulations provided by this act for the sale of fractional townships: *Provided always*, That nothing in this act shall authorize the sale of those lots which have been heretofore reserved in the townships already sold.

SEC. 7. *Be it further enacted*, That the highest bidder for any tract of land, sold by virtue of

this act, shall deposit, at the time of sale, one twentieth part of the amount of the purchase money; to be forfeited, if a moiety of the sum bid, including the said twentieth part, is not paid within thirty days to the Treasurer of the United States, or to such person as shall be appointed by the President of the United States to attend the places of sale for that purpose; and upon payment of a moiety of the purchase money, within thirty days, the purchaser shall have one year's credit for the residue; and shall receive from the Secretary of the Treasury, or the Governor of the Western Territory (as the case may be) a certificate describing the land sold, the sum paid on account, the balance remaining due, the time when such balance becomes payable; and that the whole land sold will be forfeited, if the said balance is not then paid; but that if it shall be duly discharged, the purchaser, or his assignee, or other legal representative, shall be entitled to a patent for the said lands. And on payment of the said balance to the Treasurer, within the specified time, and producing to the Secretary of State a receipt for the same, upon the aforesaid certificate, the President of the United States is hereby authorized to grant a patent for the lands to the said purchaser, his heirs or assigns. And all patents shall be countersigned by the Secretary of State, and recorded in his office. But if there should be a failure in any payment, the sale shall be void, all the money therefore paid on account of the purchase shall be forfeited to the United States, and the lands thus sold shall be again disposed of, in the same manner as if a sale had never been made: *Provided, nevertheless*, That should any purchaser make payment of the whole purchase money, at the time when the payment of the first moiety is directed to be made, he shall be entitled to a deduction of ten per centum on the part for which a credit is hereby directed to be given; and his patent shall be immediately issued.

SEC. 8. *Be it further enacted*, That the Secretary of the Treasury, and the Governor of the Territory northwest of the river Ohio, shall, respectively, cause books to be kept, in which shall be regularly entered an account of the dates of all the sales made, the situation and numbers of the lots sold, the price at which each was struck off, the money deposited at the time of sale, and the dates of the certificates granted to the different purchasers. The Governor or Secretary of the said Territory shall, at every suspension or adjournment, for more than three days, of the sales under their direction, transmit to the Secretary of the Treasury a copy of the said books, certified to have been duly examined and compared with the original. And all tracts sold under this act shall be noted upon the general plat, after the certificate has been granted to the purchaser.

SEC. 9. *And be it further enacted*, That all navigable rivers, within the Territory to be disposed of by virtue of this act, shall be deemed to be and remain public highways. And that in all cases, where the opposite banks of any stream, not navigable, shall belong to different persons,

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the stream and the bed thereof shall become common to both.

SEC. 10. *And be it further enacted*, That the Surveyor General shall receive, for his compensation, two thousand dollars per annum; and that the President of the United States may fix the compensation of the assistant surveyors, chain carriers, and axe-men: *Provided*, That the whole expense of surveying and marking the lines, shall not exceed three dollars per mile, for every mile that shall be actually run or surveyed.

SEC. 11. *And be it further enacted*, That the following fees shall be paid for the services to be done under this act, to the Treasurer of the United States, or to the receiver in the Western Territory, as the case may be: for each certificate for a tract containing a quarter of a township, twenty dollars; for a certificate for a tract containing six hundred and forty acres, six dollars; and for each patent for a quarter of a township, twenty dollars; for a section of six hundred and forty acres, six dollars. And the said fees shall be accounted for by the receivers, respectively.

SEC. 12. *And be it further enacted*, That the Surveyor General, assistant surveyors, and chain carriers shall, before they enter on the several duties to be performed under this act, severally take an oath or affirmation, faithfully to perform the same; and the person to be appointed to receive the money on sales in the Western Territory, before he shall receive any money under this act, shall give bond with sufficient security, for the faithful discharge of his trust. That, for receiving, safe-keeping, and conveying to the Treasury, the money he may receive, he shall be entitled to a compensation, to be hereafter fixed.

Approved, May 18, 1796.

An Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers.

Be it enacted, &c., That the following boundary line, established by treaty between the United States and various Indian tribes, shall be clearly ascertained, and distinctly marked in all such places as the President of the United States shall deem necessary, and in such manner as he shall direct, to wit: Beginning at the mouth of Cuyahoga river, on Lake Erie, and running thence up the same, to the portage between that and the Tuscaroras branch of the Muskingum; thence, down that branch, to the crossing-place above Fort Lawrence; thence, westerly, to a fork of that branch of the Great Miami river running into the Ohio, at or near which fork stood Laramie's store, and where commences the portage, between the Miami of the Ohio, and Saint Mary's river, which is a branch of the Miami which runs into Lake Erie; thence, a westerly course to Fort Recovery, which stands on a branch of the Wabash; thence, southwesterly, in a direct line to the Ohio, so as to intersect that river, opposite the mouth of Kentucky or Cuttawba river; thence, down the said river Ohio, to the tract of one hundred and fifty thousand acres, near the rapids of the Ohio, which has been assigned to General

Clarke, for the use of himself and his warriors; thence, around the said tract, on the line of the said tract, till it shall again intersect the said river Ohio; thence, down the same, to a point opposite the high lands or ridge between the mouth of the Cumberland and Tennessee rivers; thence, easterly on the said ridge to a point, from whence a southwest line will strike the mouth of Duck river; thence, still easterly on the said ridge, to a point forty miles above Nashville; thence, northeast, to Cumberland river; thence, up the said river, to where the Kentucky road crosses the same; thence, to the top of Cumberland mountain; thence, along Campbell's line, to the river Clinch; thence, down the said river, to a point from which a line shall pass the Holsten, at the ridge which divides the waters running into Little river, from those running into the Tennessee; thence, south, to the North Carolina boundary; thence, along the South Carolina Indian boundary, to and over the Oconna mountain, in a southwest course, to Tugelo river; thence, in a direct line, to the top of the Currahee mountain, where the Creek line passes it; thence, to the head or source of the main south branch of the Oconee river, called the Appalachee; thence, down the middle of the said main south branch and river Oconee, to its confluence with Oakmulgee, which forms the river Altamaha; thence, down the middle of the said Altamaha, to the old line on the said river; and thence, along the said old line, to the river Saint Mary's: *Provided always*, That if the boundary line between the said Indian tribes and the United States, shall at any time hereafter be varied by any treaty which shall be made between the said Indian tribes and the United States, then all the provisions contained in this act shall be construed to apply to the said line so to be varied in the same manner as the said provisions now apply to the boundary line hereinbefore recited.

SEC. 2. *And be it further enacted*, That if any citizen of, or other person resident in the United States, or either of the territorial districts of the United States, shall cross over, or go within the said boundary line, to hunt, or in anywise destroy the game; or shall drive, or otherwise convey any stock of horses or cattle to range, on any lands allotted or secured by treaty with the United States, to any Indian tribes, he shall forfeit a sum not exceeding one hundred dollars, or be imprisoned not exceeding six months.

SEC. 3. *And be it further enacted*, That if any such citizen, or other person, shall go into any country which is allotted or secured by treaty as aforesaid, to any of the Indian tribes south of the river Ohio, without a passport first had and obtained from the Governor of some one of the United States, or the officer of the troops of the United States commanding at the nearest post on the frontiers, or such other person as the President of the United States may from time to time authorize to grant the same, shall forfeit a sum not exceeding fifty dollars, or be imprisoned, not exceeding three months.

SEC. 4. *And be it further enacted*, That if

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any such citizen, or other person, shall go into any town, settlement, or territory, belonging, or secured by treaty with the United States, to any nation or tribe of Indians, and shall there commit robbery, larceny, trespass, or other crime, against the person or property of any friendly Indian or Indians, which would be punishable, if committed within the jurisdiction of any State, against a citizen of the United States; or, unauthorized by law, and with a hostile intention, shall be found on any Indian land, such offender shall forfeit a sum not exceeding one hundred dollars, and be imprisoned not exceeding twelve months; and shall, also, when property is taken or destroyed, forfeit and pay to such Indian or Indians, to whom the property taken and destroyed belongs, a sum equal to twice the just value of the property so taken or destroyed; and if such offender shall be unable to pay a sum at least equal to the said just value, whatever such payment shall fall short of the said just value, shall be paid out of the Treasury of the United States: *Provided, nevertheless,* That no such Indian shall be entitled to any payment out of the Treasury of the United States for any such property taken or destroyed, if he, or any of the nation to which he belongs, shall have sought private revenge, or attempted to obtain satisfaction by any force or violence.

SEC. 5. *And be it further enacted,* That if any such citizen, or other person, shall make a settlement on any lands belonging, or secured, or granted by treaty with the United States, to any Indian tribe, or shall survey, or attempt to survey, such lands, or designate any of the boundaries, by marking trees, or otherwise, such offender shall forfeit all his right, title, and claim, if any he hath, of whatsoever nature or kind the same shall or may be, to the lands aforesaid, whereupon he shall make a settlement, or which he shall survey, or attempt to survey, or designate any of the boundaries thereof, by marking trees or otherwise, and shall also forfeit a sum not exceeding one thousand dollars, and suffer imprisonment not exceeding twelve months. And it shall, moreover, be lawful for the President of the United States to take such measures and to employ such military force, as he may judge necessary, to remove from lands belonging, or secured by treaty, as aforesaid, to any Indian tribe, any such citizen or other person, who has made or shall hereafter make, or attempt to make, a settlement thereon; and every right, title, or claim, forfeited under this act, shall be taken and deemed to be vested in the United States, upon conviction of the offender, without any other or further proceeding.

SEC. 6. *And be it further enacted,* That if any such citizen, or other person, shall go into any town, settlement, or territory, belonging to any nation or tribe of Indians, and shall there commit murder, by killing any Indian or Indians belonging to any nation or tribe of Indians in amity with the United States, such offender, on being thereof convicted, shall suffer death.

SEC. 7. *And be it further enacted,* That no such citizen, or other person, shall be permitted to reside at any of the towns or hunting camps, of any

of the Indian tribes as a trader, without a license under the hand and seal of the superintendent of the department, or of such other person as the President of the United States shall authorize to grant licenses for that purpose; which superintendent, or person authorized, shall, on application, issue such license, for a term not exceeding two years, who shall enter into bond with one or more sureties, approved of by the superintendent, or person issuing such license, or by the President of the United States, in the penal sum of one thousand dollars, conditioned for the true and faithful observance of such regulations and restrictions as are or shall be made for the government of trade and intercourse with the Indian tribes: and the superintendent, or person issuing such license, shall have full power and authority to recall the same, if the person so licensed shall transgress any of the regulations or restrictions, provided for the government of trade and intercourse with the Indian tribes; and shall put in suit such bonds as he may have taken, on the breach of any condition therein contained.

SEC. 8. *And be it further enacted,* That any such citizen, or other person, who shall attempt to reside in any town or hunting camp of any of the Indian tribes as a trader, without such license, shall forfeit all the merchandise offered for sale to the Indians, or found in his possession, and shall, moreover, be liable to a fine not exceeding one hundred dollars, and to imprisonment not exceeding thirty days.

SEC. 9. *And be it further enacted,* That if any such citizen, or other person, shall purchase, or receive of any Indian, in the way of trade or barter, a gun, or other article commonly used in hunting, any instrument of husbandry, or cooking utensil, of the kind usually obtained by the Indians in their intercourse with white people, or any article of clothing, except skins or furs, he shall forfeit a sum not exceeding fifty dollars, and be imprisoned not exceeding thirty days.

SEC. 10. *And be it further enacted,* That no such citizen, or other person, shall be permitted to purchase any horse of an Indian, or of any white man in the Indian territory, without special license for that purpose; which license, the superintendent, or such other person as the President shall appoint, is hereby authorized to grant, on the same terms, conditions, and restrictions, as other licenses are to be granted under this act. And any such person who shall purchase a horse or horses under such license, before he exposes such horse or horses for sale, and within fifteen days after they have been brought out of the Indian country, shall make a particular return to the superintendent, or other person, from whom he obtained his license, of every horse purchased by him, as aforesaid; describing such horses by their color, height, and other natural or artificial marks, under the penalty contained in their respective bonds. And every such person purchasing a horse or horses, as aforesaid, in the Indian country, without a special license, shall, for every horse thus purchased and brought into any settlement of citizens of the United States, forfeit a sum not exceed-

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ing one hundred dollars, and be imprisoned not exceeding thirty days. And every person who shall purchase a horse, knowing him to be brought out of the Indian territory, by any person or persons not licensed as above to purchase the same, shall forfeit the value of such horse.

SEC. 11. *And be it further enacted,* That no agent, superintendent, or other person, authorized to grant a license to trade or purchase horses, shall have any interest or concern in any trade with the Indians, or in the purchase or sale of any horse to or from any Indian, excepting for and on account of the United States. And any person offending herein, shall forfeit a sum not exceeding one thousand dollars, and be imprisoned not exceeding twelve months.

SEC. 12. *And be it further enacted,* That no purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian, or nation, or tribe of Indians, within the bounds of the United States, shall be of any validity in law or equity, unless the same be made by treaty or convention, entered into pursuant to the Constitution. And it shall be a misdemeanor in any person not employed under the authority of the United States, to negotiate such treaty or convention, directly or indirectly, to treat with any such Indian nation or tribe of Indians, for the title or purchase of any lands by them held or claimed, punishable by fine not exceeding one thousand dollars, and imprisonment not exceeding twelve months: *Provided, nevertheless,* That it shall be lawful for the agent or agents of any State who may be present at any treaty held with Indians under the authority of the United States, in the presence and with the approbation of the commissioner or commissioners of the United States, appointed to hold the same, to propose to, and adjust with the Indians, the compensation to be made for their claims to the lands within such State, which shall be extinguished by the treaty.

SEC. 13. *And be it further enacted,* That, in order to promote civilization among the friendly Indian tribes, and to secure the continuance of their friendship, it shall be lawful for the President of the United States to cause them to be furnished with useful domestic animals, and implements of husbandry, and with goods or money, as he shall judge proper, and to appoint such persons from time to time, as temporary agents, to reside among the Indians, as he shall think fit: *Provided,* That the whole amount of such presents and allowance to such agents, shall not exceed fifteen thousand dollars per annum.

SEC. 14. *And be it further enacted,* That if any Indian or Indians belonging to any tribe in amity with the United States, shall come over or cross the said boundary line, into any State or territory inhabited by citizens of the United States, and there take, steal, or destroy, any horse, horses, or other property, belonging to any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, or shall commit any murder, violence, or outrage, upon an such citizen or inhabitant, it shall be the duty

of such citizen or inhabitant, his representative, attorney, or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose; who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe to which such Indian or Indians shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding eighteen months, then it shall be the duty of such superintendent or other person authorized, as aforesaid, to make return of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken, as shall be proper to obtain satisfaction for the injury; and in the meantime, in respect to the property so taken, stolen, or destroyed, the United States guarantee to the party injured an eventual indemnification: *Provided, always,* That if such injured party, his representative, attorney, or agent, shall in any way violate any of the provisions of this act, by seeking, or attempting to obtain private satisfaction or revenge, by crossing over the line, on any of the Indian lands, he shall forfeit all claim upon the United States for such indemnification: *And provided, also,* That nothing herein contained shall prevent the legal apprehension or arresting within the limits of any State or district of any Indian having so offended: *And provided, further,* That it shall be lawful for the President of the United States to deduct such sum or sums as shall be paid for the property taken, stolen, or destroyed by any such Indian, out of the annual stipend which the United States are bound to pay to the tribe to which such Indian shall belong.

SEC. 15. *And be it further enacted,* That the superior courts in each of the said territorial districts, and the circuit courts, and other courts of the United States of similar jurisdiction in criminal causes, in each district of the United States, in which any offender against this act shall be apprehended, or agreeably to the provisions of this act, shall be brought for trial, shall have, and are hereby invested with full power and authority to hear and determine all crimes, offences, and misdemeanors, against this act; such courts proceeding therein in the same manner, as if such crimes, offences, and misdemeanors, had been committed within the bounds of their respective districts: and in all cases where the punishment shall not be death, the county courts of quarter sessions in the said territorial districts, and the district courts of the United States in their respective districts, shall have, and are hereby invested with, like power to hear and determine the same, any law to the contrary notwithstanding: and in all cases where the punishment shall be death, it shall be lawful for the Governor of either of the territorial districts, where the offender shall be apprehended, or into which he shall be brought for trial, to issue a commission of oyer and terminer to the superior judges of such district, who shall have full power

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and authority to hear and determine all such capital cases, in the same manner as the superior courts of such district have in their ordinary sessions: and when the offender shall be apprehended, or brought for trial, into any of the United States, except Kentucky, it shall be lawful for the President of the United States to issue a like commission to any one or more judges of the Supreme Court of the United States, and the judge of the district in which such offender may have been apprehended, or shall have been brought for trial; which judges, or any two of them, shall have the same jurisdiction in such capital cases as the circuit court of such district, and shall proceed to trial and judgment in the same manner as such circuit court might or could do. And the district courts of Kentucky and Maine shall have jurisdiction of all crimes, offences, and misdemeanors, committed against this act, and shall proceed to trial and judgment, in the same manner as the circuit courts of the United States.

SEC. 16. *And be it further enacted*, That it shall be lawful for the military force of the United States, to apprehend every person who shall or may be found in the Indian country over and beyond the said boundary line between the United States and the said Indian tribes, in violation of any of the provisions or regulations of this act, and him or them immediately to convey in the nearest convenient and safe route, to the civil authority of the United States, in some one of the three next adjoining States or districts, to be proceeded against in due course of law: *Provided*, That no person apprehended by military force as aforesaid, shall be detained longer than ten days after the arrest and before removal.

SEC. 17. *And be it further enacted*, That if any person who shall be charged with a violation of any of the provisions or regulations of this act, shall be found within any of the United States, or either of the territorial districts of the United States, such offender may be there apprehended and brought to trial, in the same manner as if such crime or offence had been committed within such State or district; and it shall be the duty of the military force of the United States, when called upon by the civil magistrate or any proper officer, or other person duly authorized for that purpose and having a lawful warrant, to aid and assist such magistrate, officer, or other person authorized as aforesaid in arresting such offender, and him committing to safe custody, for trial according to law.

SEC. 18. *And be it further enacted*, That the amount of fines and duration of imprisonment directed by this act as a punishment for the violation of any of the provisions thereof, shall be ascertained and fixed, not exceeding the limits prescribed, in the discretion of the court before whom the trial shall be had; and that all fines and forfeitures which shall accrue under this act shall be one half to the use of the informant and the other half to the use of the United States; except where the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use.

SEC. 19. *And be it further enacted*, That nothing in this act shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of the citizens of the United States, and being within the ordinary jurisdiction of any of the individual States; or the unmolested use of a road from Washington district to Mero district, and of the navigation of the Tennessee river, as reserved and secured by treaty.

SEC. 20. *And be it further enacted*, That the President of the United States be and he is hereby authorized to cause to be clearly ascertained and distinctly marked, in all such places as he shall deem necessary, and in such manner as he shall direct, any other boundary lines between the United States and any Indian tribe which now are or hereafter may be established by treaty.

SEC. 21. *And be it further enacted*, That all and every other act and acts, coming within the purview of this act, shall be and they are hereby repealed: *Provided nevertheless*, That all disabilities that have taken place shall continue and remain, all penalties and forfeitures that have been incurred may be recovered, and all prosecutions and suits that may have been commenced may be prosecuted to final judgment under the said act or acts, in the same manner as if the said act or acts were continued and in full force and virtue.

SEC. 22. *And be it further enacted*, That this act shall be in force for the term of two years, and from thence to the end of the session of Congress next thereafter, and no longer.

Approved, May 19, 1796.

An Act relative to quarantine.

Be it enacted, &c., That the President of the United States be and he is hereby authorized to direct the revenue officers and the officers commanding forts and revenue cutters, to aid in the execution of quarantine, and also in the execution of the health laws of the States respectively, in such manner as may to him appear necessary.

Approved, May 27, 1796.

An Act altering the compensation of the Accountant of the War Department.

Be it enacted, &c., That there shall hereafter be allowed to the Accountant of the Department of War, the sum of one thousand six hundred dollars per annum, as a compensation for his services, in lieu of the compensation heretofore allowed.

SEC. 2. *And be it further enacted*, That all letters and packets to and from the Accountant of the Department of War, shall be conveyed by post, free of postage, under such restrictions as are provided by law in like cases.

Approved, May 27, 1796.

An Act respecting the Mint.

Be it enacted, &c., That there shall be appropriated for the purchase of copper for the further

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coinage of cents and half cents, a sum equal to the amount of the cents and half cents which shall have been coined at the Mint and delivered to the Treasurer of the United States, subsequent to the first day of January, one thousand seven hundred and ninety-six; which sum shall be payable out of any moneys in the Treasury not otherwise appropriated.

Sec. 2. *And be it further enacted*, That, from and after the passing of this act, there shall be retained from every deposit in the Mint of gold or silver bullion below the standard of the United States, such sum as shall be equivalent to the expense incurred in refining the same; and an accurate account of such expense on every deposit shall be kept, and of the sums retained on account of the same, which shall be accounted for by the Treasurer of the Mint to the Treasurer of the United States.

Sec. 3. *And be it further enacted*, That this act shall continue in force for the term of two years from the passing thereof, and from thence until the end of the next session of Congress thereafter holden, and no longer.

Approved, May 27, 1796.

An Act altering the sessions of the Circuit Courts in the districts of Vermont and Rhode Island, and for other purposes.

Be it enacted, &c., That, from and after the first day of June next, the Circuit Court for the district of Vermont shall be held at Rutland and Windsor alternately, beginning with the former, on the seventh day of November and on the twelfth day of May annually: *Provided*, when either of those days shall be Sunday the court shall be held on the day following.

Sec. 2. *And be it further enacted*, That the fall session of the Circuit Court for the district of Rhode Island shall be held on the nineteenth day of November, with the exception for Sunday, as is provided in the preceding section.

Sec. 3. *And be it further enacted*, That the District Court for the district last aforesaid, instead of the several days heretofore prescribed, shall be held annually, on the first Tuesday of August, the third Tuesday of November, the first Tuesday of February, and the second Tuesday of May.

Sec. 4. *And be it further enacted*, That all writs and processes, of whatever name or description, which may have issued from either of the courts before mentioned, or which shall hereafter issue, the return of which will be interrupted by this act, shall be returned to the terms of the courts respectively next succeeding the terms to which they were made returnable. And the said writs and processes before mentioned, together with all matters and business depending before either of the courts before mentioned, shall be taken up and proceeded upon to final issue and determination, in the same manner and to the same effect as if no alteration had been made in the times or places of holding the said courts respectively.

Approved, May 27, 1796.

An Act in addition to an act, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels.'"

Be it enacted, &c., That, from and after the last day of June next, there shall be established the following new districts and ports of delivery, to wit: in the State of Massachusetts, a district to be called the district of Ipswich, which shall include the waters and shores within the said town of Ipswich, which shall be the sole port of entry of the same; and a collector shall be appointed to reside in the said town of Ipswich, and thenceforward the office of surveyor for the said port shall cease. In the State of New Jersey, a district to be called the district of Little Egg harbor, which shall comprehend all the shores, waters, bays, rivers, and creeks, from Barnegat inlet to Brigantine inlet, both inclusively; and the town of Tuckerton shall be the sole port of entry for the said district; and a collector for the same shall be appointed to reside at the said town of Tuckerton, and thenceforward the office of surveyor for the said port of Little Egg harbor shall cease. In the State of Maryland, a district to be called the district of Havre de Grace, which shall include all the shores and waters of the Chesapeake bay, above Turkey point and Spes Utiae island; and a collector shall be appointed to reside at Havre de Grace, which shall be the sole port of entry for the same. In the district of Newburyport the town of Newbury shall be a port of delivery. In the district of Dighton the towns of Berkley and Taunton shall be ports of delivery.

Sec. 2. *And be it further enacted*, That, from and after the last day of June next, the district of Hudson, in the State of New York, shall be confined to the limits of the city of Hudson; and all other places which were, by the act, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'" included in the said district of Hudson, shall be annexed to the district of New York. And the description of the district of Waldoborough in the said recited act shall be so far altered as, instead of saying "a place called Duck-trap," to say, "that part of a place called Duck-trap, which lies between the towns of Camden and Northport." and, instead of saying, "all the shores and waters from the middle of Damarascotty river to Duck-trap," to say, "all the shores and waters from the middle of Damarascotty river to the southwardly side of the town of Northport." That in the State of Maryland the district of Cedar point shall be called the district of Nanjemoy, which shall be the sole port of entry and delivery for the said district; and the collector shall reside at Nanjemoy. And that in the district of Nantucket, in the State of Massachusetts, the name of the port of Sherburne shall be changed to the port of

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Nantucket: *Provided always*, That no alteration in the name or description of the said districts shall be construed to affect the compensation of the officers thereof.

SEC. 3. *And be it further enacted*, That the collectors to be appointed in conformity with this act, shall each become bound in the sum of two thousand dollars, in manner as is by law provided in like cases, and the same duties, authorities, and fees of office, with a similar distribution thereof, shall appertain to those appointments as are now in like cases authorized by law. And the collectors aforesaid shall each receive two per centum on all moneys by them respectively received; and shall also respectively receive the allowance of one hundred dollars annually, from and after the said last day of June next.

Approved, May 27, 1796.

An Act for the relief and protection of American seamen.

Be it enacted, &c., That the President of the United States, by and with the advice and consent of the Senate, be, and hereby is, authorized to appoint two or more agents: the one of whom shall reside in the kingdom of Great Britain, and the others at such foreign ports as the President of the United States shall direct. That the duty of the said agents shall be, under the direction of the President of the United States, to inquire into the situation of such American citizens, or others sailing, conformably to the Law of Nations, under the protection of the American flag, as have been or may hereafter be impressed or detained by any foreign Power; to endeavor, by all legal means, to obtain the release of such American citizens or others, as aforesaid; and to render an account of all impressments and detentions whatever, from American vessels, to the Executive of the United States.

SEC. 2. *And be it further enacted*, That if it should be expedient to employ an additional agent or agents for the purposes authorized by this law, during the recess of, the Senate, the President alone be, and he hereby is, authorized to appoint such agent or agents.

SEC. 3. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to draw annually out of the Treasury of the United States a sum not exceeding fifteen thousand dollars, not otherwise appropriated, to be applied by him in such proportions as he shall direct, to the payment of the compensation of the said agents for their services, and the incidental expenses attending the performance of the duties imposed on them by this act.

SEC. 4. *And be it further enacted*, That the collector of every district shall keep a book or books, in which, at the request of any seaman, being a citizen of the United States of America, and producing proof of his citizenship, authenticated in the manner hereinafter directed, he shall enter the name of such seaman, and shall deliver to him a certificate, in the following form, that is to

say: "I, A B, collector of the district of D, do hereby certify that E F, an American seaman, aged — years, or thereabouts, of the height of — feet — inches, [describing the said seaman as particularly as may be,] has this day produced to me proof in the manner directed in the act, entitled 'An act for the relief and protection of American seamen;' and, pursuant to the said act, I do hereby certify that the said E F is a citizen of the United States of America. In witness whereof, I have hereunto set my hand and seal of office, this — day of —." And it shall be the duty of the collectors aforesaid to file and preserve the proofs of citizenship produced as aforesaid; and for each certificate delivered as aforesaid, the said collectors shall be entitled to receive from the seaman applying for the same the sum of twenty-five cents.

SEC. 5. And, in order that full and speedy information may be obtained of the seizure or detention, by any foreign Power, of any seamen employed on board any ship or vessel of the United States, *Be it further enacted*, That it shall, and hereby is declared to be the duty of the master of every ship or vessel of the United States, any of the crew whereof shall have been impressed or detained by any foreign Power, at the first port at which such ship or vessel shall arrive, if such impressment or detention happened on the high seas, or if the same happened within any foreign port, then in the port in which the same happened, immediately to make a protest, stating the manner of such impressment or detention, by whom made, together with the name and place of residence of the person impressed or detained; distinguishing also whether he was an American citizen, and, if not, to what nation he belonged. And it shall be the duty of such master to transmit, by post or otherwise, every such protest made in a foreign country to the nearest Consul or agent, or to the Minister of the United States resident in such country, if any such there be; preserving a duplicate of such protest, to be by him sent, immediately after his arrival within the United States, to the Secretary of State, together with information to whom the original protest was transmitted; and in case such protest shall be made within the United States, or in any foreign country in which no Consul, agent, or Minister of the United States resides, the same shall, as soon thereafter as practicable, be transmitted by such master, by post or otherwise, to the Secretary of State.

SEC. 6. *And be it further enacted*, That a copy of this law be transmitted by the Secretary of State to each of the Ministers and Consuls of the United States resident in foreign countries, and by the Secretary of the Treasury to the several collectors of the districts of the United States, whose duty it is hereby declared to be, from time to time, to make known the provisions of this law to all masters of ships and vessels of the United States entering or clearing at their several offices. And the master of every such ship or vessel shall, before he is admitted to an entry by any such collector, be required to declare, on oath, whether any of

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the crew of the ship or vessel under his command have been impressed or detained in the course of his voyage, and how far he has complied with the directions of this act. And every such master as shall wilfully neglect or refuse to make the declarations herein required, or to perform the duties enjoined by this act, shall forfeit and pay the sum of one hundred dollars. And it is hereby declared to be the duty of every such collector to prosecute for any forfeiture that may be incurred under this act.

SEC. 7. *And be it further enacted*, That the collector of every port of entry in the United States shall send a list of the seamen registered under this act once every three months to the Secretary of State, together with an account of such impressments or detentions as shall appear by the protests of the masters to have taken place.

SEC. 8. *And be it further enacted*, That the first, second, and third sections of this act shall be in force for one year, and from thence to the end of the next session of Congress thereafter, and no longer.

Approved, May 28, 1796.

An Act laying duties on carriages for the conveyance of persons; and repealing the former act for that purpose.

Be it enacted, &c., That, from and after the last day of August next, the duties laid by the act, entitled "An act laying duties upon carriages for the conveyance of persons," shall cease, and shall not thenceforth be collected; but in lieu thereof, there shall be levied, collected, and paid, the following yearly rates and duties upon all carriages for the conveyance of persons, which shall be kept by, or for any person, for his or her own use, or to be let out for hire, or for the conveyance of passengers, to wit: For and upon every coach, whether driven with a box, or by postillion, the yearly sum of fifteen dollars; for and upon every chariot, post-chariot, and post-chaise, the yearly sum of twelve dollars; for and upon every phaeton for the conveyance of one or more persons, with or without a top; and for and upon every coachee, or other carriage, having panel work, with blinds, glasses, or curtains in the upper division of the sides, front or back thereof, the yearly sum of nine dollars; for and upon every four wheel carriage having framed posts and tops, and hanging on steel springs, (whether drawn by one or more horses,) the yearly sum of six dollars; for and upon every four wheel top carriage hanging upon wooden or iron springs or jacks (whether drawn by one or more horses); and upon every curricule, chaise, chair, sulkey, or other two wheel top carriage, and upon every two wheel carriage hanging or resting upon steel or iron springs, the yearly sum of three dollars; and for and upon every other two wheel carriage, the yearly sum of two dollars; and upon every four wheel carriage having framed posts and tops, and resting upon wooden spars, the yearly sum of two dollars: *Provided always*, That nothing herein contained shall be construed to charge with a

duty any carriage usually and chiefly employed in husbandry, or for the transportation or carrying of goods, wares, merchandise, produce, or commodities.

SEC. 2. *And be it further enacted*, That the duties aforesaid shall be levied and collected upon all carriages usually and chiefly employed for the conveyance of persons, by whatever name or description the same have been, or shall hereafter be known and called. And in cases of doubt, any carriage shall be deemed to belong to that class, to which the same shall bear the greatest resemblance, (to be determined in manner hereinafter provided,) and shall be subject to duty accordingly.

SEC. 3. *And be it further enacted*, That the duties aforesaid shall be levied, collected, received, and accounted for, by and under the immediate direction of the supervisors and inspectors of the revenue, and other officers of inspection; subject to the superintendence, control, and direction of the Department of the Treasury, according to the authorities and duties of the respective officers thereof.

SEC. 4. *And be it further enacted*, That every person having or keeping a carriage or carriages, upon which a duty or duties shall be payable according to this act, shall yearly, and in every year, in the month of September, or within sixty days previous thereto, make and subscribe a true and exact entry of each and every such carriage; therein specifying distinctly each carriage owned or kept by him or her for his or her use, or for hire, with the description and denomination thereof, and the rate of duty to which each and every such carriage is liable; which entry shall be lodged with the officer of inspection for the district in which such owner or person liable for the payment of such duty shall reside: And that it shall be the duty of the officers of inspection to attend, within the month of September in each year, at one or more of the most public and convenient places in each county within their respective districts, and to give public notice at least one month previous to such day, of the time and place of such attendance, and to receive such entry made in the manner before directed, at such place, or at any other, where he may happen to be within the said month of September; and on tender and payment being made of the duty or duties therein mentioned, to grant a certificate for each and every carriage mentioned in such entry; therein specifying the name of the owner, the description and denomination of the carriage, and the sum paid, with the time when, and the period for which such duty shall be so paid: And the forms of the certificates to be so granted shall be prescribed by the Treasury Department; and such certificates, or the acknowledgments of the officer of inspection, by a credit in his public accounts, shall be the only evidence to be exhibited and admitted, that any duty imposed by this act has been discharged: *Provided nevertheless*, That no certificate shall be deemed of validity any longer than while the carriage, for which the said certificate was granted, is owned by the person

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mentioned in such certificate, unless such certificate shall be produced to the officer of inspection by whom it was granted; and an entry shall be thereon made, specifying the name of the then owner of such carriage, and the time when he or she became possessed of the same.

SEC. 5. *And be it further enacted*, That any and all persons, who shall commence the having or keeping of any carriage, subject to duties, after the month of September, and before the month of September in the next succeeding year, shall and may, at any time during the month in which they shall so commence the having or keeping of such carriage, make like entry in manner before prescribed; and on payment of such proportion of the duties laid by this act on such carriage, as the time at which he shall commence the keeping of such carriage to the end of the month of September then next ensuing shall bear to the whole year, shall be entitled to, and may demand like certificates; subject, nevertheless, to the conditions before and hereinafter provided.

SEC. 6. *And be it further enacted*, That the duties payable by this act shall, in respect to any and all persons who shall have or keep carriages during the month of September, be deemed to commence, and shall be computed from the last day of the said month: And in respect to persons who shall commence the having or keeping of carriages after the said month of September, the said duties shall be deemed to commence, and shall be computed from the last day of the month in which they shall so begin to have or keep such carriages; conformably to which, the certificates before and hereinafter mentioned, shall be issued and granted.

SEC. 7. *And be it further enacted*, That any person having or keeping any carriage subject to duty, who shall make an untrue or defective entry, to evade the whole or any part of the duty justly and truly payable, according to this act, shall lose the sum paid pursuant to such untrue or defective entry; and where such untrue or defective entry hath been made, or where no entry shall be made, or where there shall be a neglect of payment after entry, such person shall, moreover, in addition thereto, at any time thereafter, on personal application and demand, at the house, dwelling, or usual place of abode of such person, by the proper officer of inspection, be liable, and shall pay the duties by this act imposed, with a further sum, for the benefit of such officer, of twenty-five per centum: which duties, with the said addition, shall be collected by distress and sale of the goods and chattels of the person, by whom the same shall be due and payable: *Provided always*, That such application and demand shall not be made until sixty days after the day on which any duty shall commence; and if entry and payment shall be made, within the said sixty days, at the office of inspection of the district, or at any other place where the inspector may happen to be, the owner of the carriage shall be exempted from the payment of the said sum of twenty-five per centum: *Provided, nevertheless*, That if any person of whom such application and demand

shall be made, shall forthwith present to such officer of inspection, a full and exact description of the carriage or carriages, on which the duties demanded shall have accrued, with a statement of the cause, matter, or thing, whereby an entire exemption from duty is claimed, or whereby a right is claimed, under this act, to a remission of a part of the sum demanded, such description and statement being first subscribed and verified on oath or affirmation, before some competent magistrate, by the person, by, or for whom, the same shall be presented; then and in such case, the officer of inspection shall receive such description and statement, and shall, furthermore, forbear to collect the duties and sum demanded.

SEC. 8. *And be it further enacted*, That the officers of inspection who shall receive the statements and allegations of persons claiming, either an entire exemption, or a remission of any part of any duty, or sum demanded under authority derived from this act, which may be presented to them, in manner and form before prescribed, shall forthwith transmit the same to the supervisors of their respective districts, for their consideration and decision, with such proofs and evidence in relation thereto, as they shall judge proper. And the supervisors shall forthwith, on receiving the statements and allegations before mentioned, with the proofs and evidence accompanying the same, decide thereon, according to the true intent and meaning of this act.

SEC. 9. *And be it further enacted*, That the decisions of the supervisors in the cases referred to them, in manner before prescribed, shall be forthwith communicated to the officers of inspection, whom the same may concern; and such decisions shall be final and conclusive when rendered against the demand of any officer of inspection for any duties imposed by this act: And in cases where the said supervisors shall decide, that the duties in question, or any part thereof, are justly payable according to this act, the proper officer of inspection shall forthwith collect the same by distress and sale of the goods and chattels of the persons charged with such duties: *Provided, nevertheless*, That any person aggrieved by the decision of a supervisor, may, within two months, by application in writing to such supervisor, require that the statements and proofs on which such decision was founded, be transmitted to the Secretary of the Treasury, who shall have power to determine thereon, and, if he judge proper, to direct the duty or duties which shall have been collected, in consequence of such decision, to be returned; and if any such person shall be aggrieved by the decision of the Secretary of the Treasury, he shall be allowed, within four months, to institute a suit in the proper district court of the United States against the supervisor of the district, for the recovery of any duties collected in pursuance of any decision rendered in manner aforesaid, but the parties maintaining such suits shall, in all such cases, be confined to the assignment and proof of such facts and matters as may have been previously stated to the said supervisors, in manner before provided.

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SEC. 10. *And be it further enacted*, That in all cases where any duty shall be collected pursuant to this act, whether by distress or otherwise, certificates shall be granted for each carriage in manner as before prescribed.

SEC. 11. *And be it further enacted*, That the supervisors of the revenue, and inspectors of surveys, shall have power, from time to time, to examine, upon oath or affirmation, any officers or persons employed under them in the collection and receipt of the duties imposed by this act: And any officer or person who shall swear or affirm falsely, touching any matter hereby required to be verified on oath or affirmation, shall, on conviction thereof, suffer the pains and penalties which are prescribed for wilful and corrupt perjury.

SEC. 12. *And be it further enacted*, That it shall be lawful for the President of the United States, and he is hereby empowered, to make such allowances for compensation to the officers of inspection employed in the collection of the duties aforesaid, and for incidental expenses, as he shall judge reasonable, not exceeding, in the whole, five per centum of the total amount of the said duties collected.

SEC. 13. *And be it further enacted*, That the act, entitled "An act laying duties on carriages for the conveyance of persons," and so much of the fifteenth section of the act, entitled "An act to alter and amend the act, entitled "An act laying certain duties upon snuff and refined sugar," as authorizes the President of the United States to apply a sum not exceeding five per centum on the total amount of duties collected on carriages for the conveyance of persons, shall cease and be repealed, from and after the last day of August next; except for the recovery of any duties or penalties, which shall have accrued and remain unpaid; anything in the last section of the act of the last session, entitled "An act making further provision for the support of public credit, and for the redemption of the public debt," to the contrary notwithstanding: And that this act shall continue in force until the last day of August, in the year one thousand eight hundred and one, and no longer.

Approved, May 28, 1796.

An Act for the relief of persons imprisoned for debt.

Be it enacted, &c., That persons imprisoned on process issuing from any court of the United States in civil actions, shall be entitled to like privileges of the yards or limits of the respective jails, as persons confined in like cases, on process from the courts of the respective States are entitled to, and under the like regulations and restrictions.

SEC. 2. *And be it further enacted*, That any person imprisoned as aforesaid may have the oath or affirmation hereinafter expressed administered to him by any judge of the United States; and in case there shall be no judge of the United States residing within twenty miles of the jail wherein such debtor may be confined, such oath or affirm-

ation may be administered by any two persons who may be commissioned for that purpose by the judge of the district court of the United States within whose jurisdiction the debtor may be confined; the creditor, his agent, or attorney, if either live within one hundred miles of the place of imprisonment, or within the district in which the judgment was rendered, having had at least thirty days' previous notice by a citation served on him, issued by the district judge, to appear at the time therein mentioned at the said jail, if he see fit, to show cause why the said oath or affirmation should not be so administered: at which time and place, if no sufficient cause, in the opinion of the judge, (or the commissioners appointed as aforesaid,) be shown, or from examination appear to the contrary, he (or they) may, at the request of the debtor proceed to administer to him the following oath or affirmation, as the case may be, viz: "You ——— solemnly swear (or affirm) that you have not estate, real or personal, nor is any to your knowledge holden in trust for you, (necessary wearing apparel excepted,) to the amount or value of thirty dollars, nor sufficient to pay the debt for which you are imprisoned." Which oath or affirmation being administered, the judge or commissioners shall certify the same under his or their hands to the prison keeper and the debtor shall be discharged from his imprisonment on such judgment, and shall not be liable to be imprisoned again for the said debt, but the judgment shall remain good and sufficient in law, and may be satisfied out of any estate which may then or at any time afterwards belong to the debtor. And whenever the oath aforesaid shall be administered by commissioners, in addition to the certificate by them made and delivered to the prison keeper, they shall make return of their doings to the district court with the commission to them issued, to be kept upon the files and records of the same court.

SEC. 3. *And be it further enacted*, That if any person shall falsely take the oath or affirmation aforesaid, such person shall be deemed guilty of perjury, and upon conviction thereof shall suffer the pains and penalties in that case provided. And the court upon the motion of the creditor shall recommit the debtor to the prison from whence he was liberated, there to be detained for the said debt, in the same manner as if such oath or affirmation had not been taken.

SEC. 4. *And be it further enacted*, That the act, entitled "An act to continue in force the act for the relief of persons imprisoned for debt," be, and the same is hereby repealed.

SEC. 5. *And be it further enacted*, That this act shall continue in force for the term of three years.

Approved, May 28, 1796.

An Act to ascertain and fix the Military Establishment of the United States.

Be it enacted, &c., That the Military Establishment of the United States from and after the last day of October next, be composed of the corps of artillerists and engineers, as established by the

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act, entitled "An act providing for raising and organizing a corps of artilleryists and engineers;" two companies of light dragoons, who shall do duty on horse or foot, at the discretion of the President of the United States; and four regiments of infantry, of eight companies each; the company of dragoons shall consist of one captain, two lieutenants, one cornet, four sergeants, four corporals, one farrier, one saddler, one trumpeter, and fifty-two privates, and shall be armed and accoutred in such manner as the President of the United States may direct.

SEC. 2. *And be it further enacted*, That each regiment of infantry shall consist of one lieutenant-colonel commandant, two majors, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeons' mates, eight captains, eight lieutenants, eight ensigns, two sergeant-majors, two quartermaster-sergeants, two senior musicians, thirty-two sergeants, thirty-two corporals, sixteen musicians, and four hundred and sixteen privates: *Provided, always*, That the President of the United States may, in his discretion, appoint an additional number of surgeon's mates, not exceeding ten, and distribute the same, according to the necessity of the service.

SEC. 3. *And be it further enacted*, That there shall be one major-general, with two aids-de-camp, one brigadier-general, who may choose his brigade-major from the captains or subalterns of the line; which brigade-major shall receive the monthly pay of twenty-four dollars, in addition to his pay in the line, be entitled to four rations of provisions, for his daily subsistence; and, whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof; one quartermaster-general; one inspector, who shall do the duty of adjutant-general; and one paymaster-general; and that the adjutants, quartermasters, and paymasters, of regiments shall be appointed from the subalterns of their respective regiments.

SEC. 4. *And be it further enacted*, That the President of the United States cause to be arranged the officers, non-commissioned officers, privates, and musicians, of the legion of the United States, and light dragoons, in such manner as to form and complete out of the same the four regiments aforesaid, and two companies of light dragoons. And the supernumerary officers, privates, and musicians, shall be considered, from and after the last day of October next, discharged from the service of the United States.

SEC. 5. *And be it further enacted*, That the corps of artilleryists and engineers be completed, conformably to the act of the eighth day of May, one thousand seven hundred and ninety-four, establishing the same, and prescribing the number and term of enlistments, and the method of organization.

SEC. 6. *And be it further enacted*, That the commissioned officers, who shall be employed in the recruiting service, to keep up, by enlistments, the corps of artilleryists, infantry, and dragoons aforesaid, shall be entitled to receive, for every able-bodied recruit, duly enlisted and mustered,

of at least five feet six inches in height, and not under the age of eighteen nor above the age of forty-six years, the sum of two dollars.

SEC. 7. *And be it further enacted*, That there shall be allowed and paid to each soldier now in the service of the United States, or discharged therefrom, subsequent to the third day of March, one thousand seven hundred and ninety-four, who shall re-enlist for the term of five years, unless sooner discharged, a bounty of sixteen dollars; and to each person not now in the army of the United States, or discharged as above, who shall hereafter enlist for the term aforesaid, a bounty of fourteen dollars; but the payment of four dollars of the bounty of each and every man so enlisting shall be deferred until he shall have joined the corps in which he is to serve.

SEC. 8. *And be it further enacted*, That every non-commissioned officer, private, and musician, of the artillery and infantry, shall receive, annually, the following articles of uniform clothing, to wit: one hat, one coat, one vest, two pair of woollen and two pair of linen overalls, four pair of shoes, four shirts, four pair of socks, one blanket, one stock and clasp, and one pair of buckles.

SEC. 9. *And be it further enacted*, That suitable clothing be provided for the dragoons, adapted to the nature of the service, and conformed as near as may be, to the value of the clothing allowed to the infantry and artillery.

SEC. 10. *And be it further enacted*, That every non-commissioned officer, private, and musician, shall receive, daily, the following rations of provisions, to wit: one pound of beef, or three-quarters of a pound of pork, one pound of bread or flour, half a gill of rum, brandy, or whiskey; and at the rate of one quart of salt, two quarts of vinegar, two pounds of soap, and one pound of candles, to every hundred rations.

SEC. 11. *Provided always, and be it further enacted*, That to those in the military service of the United States, who are, or shall be, employed on the western frontiers, there shall be allowed, during the time of their being so employed, two ounces of flour or bread, and two ounces of beef or pork, in addition to each of the rations, and half a pint of salt, in addition to every hundred of their rations.

SEC. 12. *And be it further enacted*, That the monthly pay of the officers, non-commissioned officers, musicians, and privates, of the Military Establishment, be as follows: a major-general, one hundred and sixty-six dollars; a brigadier-general, one hundred and four dollars; quartermaster, inspector, and paymaster generals, each, in addition to their pay in the line, twenty-five dollars; principal artificer, forty dollars; second artificer, twenty-six dollars; lieutenant-colonel commandant, seventy-five dollars; major of artillery and of dragoons, fifty-five dollars; major of infantry, fifty dollars; paymaster, adjutant, and regimental quartermaster, in addition to their pay in the line, ten dollars; captain, forty dollars; lieutenants, twenty-six dollars; ensigns and cornets, twenty dollars; surgeons, forty-five dollars; surgeons' mates, thirty dollars; sergeant-majors

and quartermaster-sergeants, eight dollars; senior musicians, seven dollars; sergeants, seven dollars; corporals, six dollars; musicians, five dollars; privates, four dollars; artificers allowed to the infantry and artillery, farriers and saddlers to the dragoons, each, nine dollars; matrons and nurses in the hospital, eight dollars.

SEC. 13. *And be it further enacted*, That the commissioned officers aforesaid shall be entitled to receive for their daily subsistence the following number of rations of provisions: a major-general, fifteen rations; a brigadier-general twelve rations; a lieutenant-colonel commandant, six rations; quartermaster, inspector, and paymaster generals, each, six rations; and each aid-de-camp shall receive the monthly pay of twenty-four dollars in addition to his pay in the line, be entitled to four rations of provisions for his daily subsistence, and whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof; a captain, three rations; a lieutenant, ensign, and cornet, each, two rations; a surgeon, three rations; a surgeon's mate, two rations; a principal and second artificer, each, two rations, or money in lieu thereof, at the option of the said officers, at the posts, respectively, where the rations shall become due; and if at such posts supplies are not furnished by contract, then such allowance as shall be deemed equitable, having reference to former contracts, and the position of the place in question.

SEC. 14. *And be it further enacted*, That the officers hereinafter described shall, whenever forage shall not be furnished by the public, receive at the rate of the following enumerated sums, per month, instead thereof, to wit: a major-general, twenty dollars; a brigadier-general, sixteen dollars; quartermaster, inspector, and paymaster generals, each, twelve dollars; lieutenant-colonel commandant, twelve dollars; major, ten dollars; captain of dragoons, eight dollars; lieutenant and cornet, each six dollars; surgeon, ten dollars; surgeon's mate, six dollars; principal artificer, paymaster, adjutant, and regimental quartermaster, each, six dollars.

SEC. 15. *And be it further enacted*, That every person who shall procure or entice a soldier in the service of the United States to desert, or who shall purchase from any soldier his arms, uniform clothing, or any part thereof; and every captain or commanding officer of any ship or vessel, who shall enter on board such ship or vessel as one of his crew, knowing him to have deserted, or otherwise carry away any such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined, at the discretion of the court, in any sum not exceeding three hundred dollars, or be imprisoned for any term not exceeding one year.

SEC. 16. *And be it further enacted*, That no non-commissioned officer or private shall be arrested, or subject to arrest, for any debt under the sum of twenty dollars.

SEC. 17. *And be it further enacted*, That if any non-commissioned officer, musician, or private shall desert from the service of the United States,

he shall, in addition to the penalties mentioned in the rules and articles of war, be liable to serve for and during such a period as shall, with the time he may have served, previous to his desertion, amount to the full term of his enlistment, and such soldier shall and may be tried and sentenced by a regimental or garrison court-martial, although the term of his enlistment may have elapsed, previous to his being apprehended or tried.

SEC. 18. *And be it further enacted*, That the sentences of general courts-martial, in time of peace, extending to the loss of life, the dismissal of a commissioned officer, or which shall, either in time of peace or war, respect a general officer, shall, with the whole of the proceedings in such cases, respectively, be laid before the President of the United States; who is hereby authorized to direct the same to be carried into execution or otherwise, as he shall judge proper.

SEC. 19. *And be it further enacted*, That if any officer, non-commissioned officer, private, or musician aforesaid, shall be wounded or disabled while in the line of his duty in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay, and under such regulations as shall be directed by the President of the United States for the time being: *Provided, always*, That the rate of compensation to be allowed for such wounds or disabilities to a commissioned officer, shall never exceed, for the highest disability, half the monthly pay of such officer at the time of his being so disabled or wounded; and that the rate of compensation to non-commissioned officers, privates, and musicians, shall never exceed five dollars per month: *And provided, also*, That all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

SEC. 20. *And be it further enacted*, That the officers, non-commissioned officers, privates, and musicians aforesaid, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled, [except so much of the same as is by this act altered or amended,] as far as the same may be applicable to the Constitution of the United States; or by such rules and articles as may hereafter by law be established.

SEC. 21. *And be it further enacted*, That every officer, non-commissioned officer, private, and musician aforesaid, shall take and subscribe the following oath or affirmation, to wit: "I, A B, do solemnly swear or affirm (as the case may be) to bear true allegiance to the United States of America, and to serve them honestly and faithfully against their enemies or opposers whomsoever, and to observe and obey the orders of the President of the United States and the orders of the officers appointed over me, according to the rules and articles of war."

SEC. 22. *And be it further enacted*, That so much of any act or acts now in force, as comes within the purview of this act, shall be, and the same is hereby repealed; saving, nevertheless, such parts thereof as relate to the enlistments or term of service of any of the troops which, by

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this act, are continued on the present Military Establishment of the United States.

SEC. 23. *And be it further enacted,* That the general staff, as authorized by this act, shall continue in service until the 4th day of next March, and no longer.

Approved, May 30, 1796.

An Act to regulate the compensation of Clerks.

Be it enacted, &c., That the Secretary of the Treasury, the Secretary of the Department of State, and the Secretary of the Department of War, be authorized to vary for the present year the compensations heretofore established for clerks in their respective departments, in such manner as the services to be performed shall in their judgment require.

SEC. 2. *And be it further enacted,* That, to the aggregate of compensations for clerks in the year one thousand seven hundred and ninety-four, there shall, during the present year, be further allowed—

In the Treasury Department, the sum of four thousand dollars, including one thousand eight hundred dollars to three additional clerks;

In the Department of State, the sum of two hundred dollars;

In the Department of War, the sum of two hundred dollars. And that the Accountant of the War Department may employ a principal clerk, at the salary allowed to principal clerks in the other departments;

And to the Director of the Mint, for one clerk to be employed by him, the additional sum of two hundred dollars.

SEC. 3. *And be it further enacted,* That there be allowed for the present year to the Commissioners of Loans, in the States of Massachusetts and New York, respectively, not exceeding five clerks, at the rate of five hundred dollars each; to the Commissioner of Loans in the State of Connecticut, not exceeding two clerks, at the rate of four hundred dollars each; and to the Commissioners of Loans in the States of Pennsylvania, Virginia, and South Carolina, respectively, not exceeding two clerks, at the rate of five hundred dollars each. The aggregate of the compensations for the clerks employed by either of the said Commissioners to be apportioned among them at his discretion. That there be allowed for the year aforesaid, in lieu of clerk-hire, to the Commissioner of Loans in the State of New Hampshire, three hundred and fifty dollars; to the Commissioner of Loans in the State of Rhode Island, four hundred dollars; to the Commissioner of Loans in the State of New Jersey, three hundred dollars; and to the Commissioner of Loans in the State of Maryland, two hundred and fifty dollars.

Approved, May 30, 1796.

An Act to continue in force, for a limited time, the acts therein mentioned.

Be it enacted, &c., That the act, entitled "An act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers," so far as the same provides for de-

fraying the necessary expense of supporting light-houses, beacons, buoys, and public piers, and the stakeage of channels on the sea-coast; and also the act, entitled "An act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws in certain cases therein mentioned"—be, and the same are hereby, continued in force for the term of two years.

SEC. 2. *And be it further enacted,* That the thirteenth section of the act, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," which section will expire at the end of the present session of Congress, shall be, and the same is hereby, further continued in force for the term of one year from the passing of this act, and from thence to the end of the next session of Congress thereafter, and no longer.

Approved, May 30, 1796.

An Act making further provision for the expenses attending the intercourse of the United States with foreign nations, and to continue in force the act, entitled "An act providing the means of intercourse between the United States and foreign nations."

Be it enacted, &c., That the act, entitled "An act providing the means of intercourse between the United States and foreign nations," passed the first day of July, one thousand seven hundred and ninety; together with the second section of the act, entitled "An act to continue in force, for a limited time, and to amend the act, entitled 'An act providing the means of intercourse between the United States and foreign nations,'" passed the ninth day of February, one thousand seven hundred and ninety-three, shall be continued in force for the term of one year from the passing of this act; and from thence until the end of the next session of Congress thereafter holden, and no longer.

SEC. 2. *And be it further enacted,* That the sum of twenty thousand dollars be, and the same is hereby, appropriated, for defraying the expenses which may attend the intercourse between the United States and foreign nations, during the year one thousand seven hundred and ninety-six, in addition to the sum of forty thousand dollars annually appropriated for that purpose.

SEC. 3. *And be it further enacted,* That so much of the sum appropriated by the first section of the act, entitled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations;" and further to continue in force the act, entitled "An act providing the means of intercourse between the United States and foreign nations," passed the twentieth day of March, one thousand seven hundred and ninety-four, as remains unexpended, together with a further sum of two hundred and sixty thousand dollars, be, and the same is hereby, appropriated, for the purpose of carrying into effect any Treaty already made, and to enable the President to effect any Treaty or Treaties with any of the Mediterranean Powers.

SEC. 4. *And be it further enacted,* That the sum

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of four thousand five hundred and thirty-nine dollars and six cents be, and the same is hereby, appropriated, to reimburse certain sums advanced by Captain Colvill and Captain Burnham for their ransom from captivity in Algiers; which sum, the Secretary of the Treasury is hereby authorized and required to pay to the said Captains Colvill and Burnham, dividing the same equally between them.

SEC. 5. *And be it further enacted*, That the President of the United States be authorized to borrow, on the credit of the United States, if, in his opinion, the public service shall require it, a sum not exceeding three hundred and twenty-four thousand five hundred and thirty-nine dollars and six cents, at an interest not exceeding six per centum per annum, reimbursable at the pleasure of the United States, to be applied to the purposes of this act, and to be repaid out of the duties on imports and tonnage accruing during the present year, and not otherwise appropriated. And it shall be lawful for the Bank of the United States to lend the same.

Approved, May 30, 1796.

An Act making provision for the payment of certain Debts of the United States.

Be it enacted, &c., That it shall be lawful for the Commissioners of the Sinking Fund, with the approbation of the President of the United States, to borrow, or cause to be borrowed, on the credit of the United States, any sum not exceeding five millions of dollars, to be applied to the payment of the capital or principal of any parts of the debt of the United States now due, or to become due during the course of the present year, to the Bank of the United States, or to the Bank of New York, or for any instalment of foreign debt: And that, for the whole, or such part of the said sum as shall be borrowed, certificates shall be issued, purporting that the United States are indebted for the sums to be therein expressed, bearing an interest of six per centum per annum, payable quarter yearly; which sums, at the said rate of interest, are to remain fixed and irredeemable, until the close of the year one thousand eight hundred and nineteen, and to be redeemed thereafter, at the pleasure of the United States. And the Bank of the United States is hereby authorized to lend the whole, or any part of the said five millions of dollars, and to sell the stock received for such loan.

SEC. 2. *And be it further enacted*, That credits for the sums which shall be borrowed, pursuant to this act, shall be entered and given on the books of the Treasury, in like manner as for the present domestic funded debt; and that certificates, for sums not less than one hundred dollars, pursuant to the provisions herein contained, shall be issued by the Register of the Treasury; which shall be transferable in like manner, and by the like ways and means, as are provided by the seventh section of the act, entitled "an act making provision for the debt of the United States," touching the credits or stock therein mentioned;

and that the interest to be paid upon the stock, which shall be constituted by virtue of the loan herein proposed, shall be paid at the offices or places where the credits for the same shall, from time to time, stand or be; subject to the like conditions and restrictions as are prescribed in and by the eighth section of the act last aforesaid.

SEC. 3. *And be it further enacted*, That it shall be deemed a good execution of the power to borrow, herein granted, for the said Commissioners of the Sinking Fund to cause to be constituted certificates of stock of the description herein mentioned, and to cause the same to be sold in the United States, or elsewhere: *Provided*, That no more than one moiety of the said stock shall be sold under par. And it shall be lawful for the Commissioners of the Sinking Fund, if they shall find the same to be most advantageous, to sell such and so many of the shares of the stock of the Bank of the United States, belonging to the United States, as they may think proper; and that they apply the proceeds thereof to the payment of the said debts, instead of selling certificates of stock, in the manner prescribed by this act. And such of the revenues of the United States, heretofore appropriated for the payment of interest of debts, thus discharged, shall be, and the same are hereby, pledged and appropriated towards the payment of the interest, and instalments of the principal, which shall hereafter become due, on the loan obtained of the Bank of the United States, pursuant to the eleventh section of the act for incorporating the subscribers to the said bank.

SEC. 4. *And be it further enacted*, That such of the revenues of the United States, heretofore appropriated for the payment of interest on such debts as may be liberated or set free, by payments from the proceeds of the loan herein proposed; together with such further sums of the proceeds of the duties on goods, wares and merchandise imported, on the tonnage of ships or vessels, and upon spirits distilled in the United States, and stills, as may be necessary, shall be, and the same are hereby, pledged and appropriated for the payment of the interest which shall be payable upon the sums subscribed to the said loan; and shall continue so pledged and appropriated, until the principal of the said loan shall be fully reimbursed and redeemed.

SEC. 5. *And be it further enacted*, That the principal of the said loan, bearing interest as aforesaid, shall remain fixed and irredeemable by the United States, until the close of the year one thousand eight hundred and nineteen; after which period the said loans shall be redeemed at the pleasure of the United States; and the funds which shall be liberated by the discharge of the stock of the United States, bearing a present interest of six per cent., or so much thereof as may be necessary, shall be, and the same are hereby, pledged and appropriated for the said redemption.

SEC. 6. *And be it further enacted*, That the Department of the Treasury, according to the respective duties of the offices thereof, shall, and they are hereby directed to, establish such forms and rules of proceeding, touching the execution of

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this act, as shall be conformable with the provisions thereof.

Approved, May 31, 1796.

An Act providing passports for the ships and vessels of the United States.

Be it enacted, &c., That it shall be the duty of the Secretary of State to prepare a form, which, when approved by the President, shall be deemed the form of a passport for ships and vessels of the United States.

SEC. 2. *And be it further enacted,* That every ship and vessel of the United States, going to any foreign country, shall, before she departs from the United States, at the request of the master, be furnished by the collector for the district where such ship or vessel may be, with a passport of the form prescribed and established, pursuant to the foregoing section; for which passport, the master of such ship or vessel shall pay to the said collector ten dollars, to be accounted for by him: *And,* in order to be entitled to such passport, the master of every such ship or vessel shall be bound, with sufficient sureties, to the Treasurer of the United States, in the penalty of two thousand dollars, conditioned, that the said passport shall not be applied to the use or protection of any other ship or vessel than the one described in the same; and that, in case of the loss or sale of any ship or vessel having such passport, the same shall, within three months, be delivered up to the collector from whom it was received, if the loss or sale take place within the United States; or within six months, if the same shall happen at any place nearer than the Cape of Good Hope; and within eighteen months, if at a more distant place.

SEC. 3. *And be it further enacted,* That there shall be paid on every ship and vessel of the United States sailing or trading to any foreign country, other than some port or place in America, for each and every voyage, the sum of four dollars, to be received and accounted for by the collector, at the time of clearing outward, if such vessel be bound direct to such foreign country, from any port of the United States, or at the time of entry in the United States, if such ship or vessel shall have sailed to such foreign country, from any port or place in America, other than of the United States.

SEC. 4. *And be it further enacted,* That if any ship or vessel of the United States shall depart therefrom, after the first day of September next, and shall be bound to any foreign country, other than to some port or place in America, without such passport, the master of such ship or vessel shall forfeit and pay the sum of two hundred dollars for every such offence.

Approved, June 1, 1796.

An Act regulating the grants of land appropriated for military services, and for the Society of the United Brethren for propagating the Gospel among the Heathen.

Be it enacted, &c., That the Surveyor General be and he is hereby required to cause to be sur-

veyed the tract of land beginning at the north-west corner of the seven ranges of townships, and running thence fifty miles due south, along the western boundary of the said ranges; thence due west to the main branch of the Scioto river; thence up the main branch of the said river, to the place where the Indian boundary line crosses the same; thence along the said boundary line, to the Tuscaroras branch of the Muskingum river, at the crossing place above Fort Lawrence; thence up the said river, to the point where a line, run due west from the place of beginning, will intersect the said river; thence along the line so run to the place of beginning. And shall cause the said tracts to be divided into townships of five miles square, by running, marking, and numbering the exterior lines of the said townships, and marking corners in the said lines, at the distance of two and one half miles from each other, in the manner directed by the act, entitled "An act providing for the sales of the lands of the United States in the territory northwest of the river Ohio, and above the mouth of Kentucky river;" and that the lands above described, except the salt springs therein, and the same quantities of land adjacent thereto as are directed to be reserved with the salt springs in the said recited act, and such tracts within the boundaries of the same as have been heretofore appropriated by Congress, be and they are hereby set apart and reserved for the purposes hereinafter mentioned.

SEC. 2. *And be it further enacted,* That the said land shall be granted only in tracts containing a quarter of the townships to which they belong, lying at the corners thereof; and that the Secretary of the Treasury shall, for the space of nine months, after public notice in the several States and territories, register warrants for military services, to the amount of any one or more tracts, for any person or persons holding the same; and shall, immediately after the expiration of the said time, proceed to determine by lot, to be drawn in the presence of the Secretaries of State and of War, the priority of location of the said registered warrants. And the person or persons holding the same shall severally make their locations, after the lots shall be proclaimed, on a day to be previously fixed in the before mentioned notice; in failure of which they shall be postponed in locating such warrants to all other persons holding registered warrants. And the patents for all lands located under the authority of this act, shall be granted in the manner directed by the before mentioned act, without requiring any fee therefor.

SEC. 3. *And be it further enacted,* That after the time limited for making the locations as aforesaid, any person or persons holding warrants of the before mentioned description, sufficient to cover any one or more tracts as aforesaid, shall be at liberty to make their locations on any tract or tracts not before located.

SEC. 4. *And be it further enacted,* That all the lands set apart by the first section of this act, which shall remain unlocated on the first day of January, in the year one thousand eight hundred,

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shall be released from the said reservation, and shall be at the free disposition of the United States, in like manner as any other vacant territory of the United States. And all warrants or claims for lands on account of military services, which shall not, before the day aforesaid, be registered and located, shall be for ever barred.

SEC. 5. *And be it further enacted*, That the said Surveyor General be, and he is hereby, required, to cause to be surveyed three several tracts of land, containing four thousand acres each, at Shoenbrun, Gnadenhutzen, and Salem; being the tracts formerly set apart by an ordinance of Congress of the third of September, one thousand seven hundred and eighty-eight, for the Society of United Brethren for propagating the Gospel among the Heathen; and to issue a patent or patents for the said three tracts to the said society, in trust for the uses and purposes in the said ordinance set forth.

SEC. 6. *And be it further enacted*, That all navigable streams or rivers within the territory to be disposed of by virtue of this act, shall be deemed to be and remain public highways. And that in all cases where the opposite banks of any stream not navigable shall belong to different persons, the stream and the bed thereof shall be common to both.

Approved, June 1, 1796.

An Act for the admission of the State of Tennessee into the Union.

Whereas, by the acceptance of the deed of cession of the State of North Carolina, Congress are bound to lay out into one or more States the territory thereby ceded to the United States:

Be it enacted, &c., That the whole of the territory ceded to the United States by the State of North Carolina shall be one State, and the same is hereby declared to be one of the United States of America, on an equal footing with the original States, in all respects whatever, by the name and title of the State of Tennessee. That, until the next general census, the said State of Tennessee shall be entitled to one representative in the House of Representatives of the United States; and in all other respects, as far as they may be applicable, the laws of the United States shall extend to and have force in the State of Tennessee, in the same manner as if that State had originally been one of the United States.

Approved, June 1, 1796.

An Act making an appropriation to satisfy certain demands attending the late insurrection; and to increase the compensations to jurors and witnesses in the courts of the United States.

Be it enacted, &c., That a sum not exceeding twenty thousand dollars, out of any moneys not otherwise appropriated, be and the same is hereby appropriated to the discharge of certain incidental demands, occasioned by the trial of persons for crimes and offences during the late insurrection, for the payment of which no special provision has been made by the law.

SEC. 2. *And be it further enacted*, That, in addition to the compensation now allowed by law to jurors and witnesses attending in the courts of the United States, there shall be allowed and paid to each grand and petit juror for his attendance fifty cents per day, and to each witness, for like attendance, fifty cents per day.

SEC. 3. *And be it further enacted*, That the sum of ten thousand dollars, out of any moneys not otherwise appropriated, be and the same is hereby appropriated for defraying the expense of clerks of courts, jurors, and witnesses, for the year one thousand seven hundred and ninety-six, in aid of the fund arising from fines, forfeitures, and penalties, and of the appropriations already made for that purpose.

Approved, June 1, 1796.

An Act limiting the time for the allowance of a drawback on the exportation of domestic distilled spirits, and allowing a drawback upon such spirits exported in vessels of less than thirty tons, by the Mississippi.

Be it enacted, &c., That, from and after the first day of July next, no drawback shall be allowed on any of the spirits distilled in the United States, which shall not be exported, pursuant to regulations heretofore enacted, and in force, within twelve months from the time when such spirits were distilled, to be ascertained by the dates of the certificates which may and ought to accompany the said spirits at the time of exportation.

SEC. 2. *And be it further enacted*, That the restriction in the fifty-sixth section of the act, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled in the United States, and for appropriating the same," shall, from and after the first day of July next, be suspended and cease to operate for the space of one year, so far as the said restriction respects any distilled spirits which may be exported from the district of Louisville, in the State of Kentucky, or from any district which may be hereafter established on the rivers Mississippi or Ohio, or the branches thereof.

Approved, June 1, 1796.

An Act making further appropriations for the year one thousand seven hundred and ninety-six.

Be it enacted, &c., That, in addition to the sums heretofore appropriated, there be further appropriated for and during the present year the following sums, that is to say: In the Department of State, for the compensation of clerks, two hundred dollars; in the Department of the Treasury, for the compensation of clerks, four thousand dollars; in the Department of War, for the additional salary of the accountant, four hundred dollars; and for the additional compensation of clerks in the said Department, seven hundred dollars; and in the Mint of the United States, for the additional salary of the clerk, two hundred dollars.

SEC. 2. *And be it further enacted*, That for the compensation of clerks in the several Loan Offices,

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and for defraying the expenses of books and stationery for the said offices, during the present year, and during the year one thousand seven hundred and ninety-five, there be appropriated a sum not exceeding fourteen thousand dollars.

SEC. 3. *And be it further enacted*, That there be further appropriated towards defraying the extraordinary expenses which may be incurred during the year one thousand seven hundred and ninety-six for foreign intercourse, a sum not exceeding twenty-three thousand five hundred dollars, in addition to the sum already appropriated for that purpose by the second section of the act of the present session, entitled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations, and to continue in force the act entitled 'An act providing the means of intercourse between the United States and foreign nations.'"

SEC. 4. *And be it further enacted*, That there be appropriated for the contingent expenses of the Government of the United States a sum not exceeding twenty thousand dollars, subject to the disposition of the President of the United States, and for the payment of such miscellaneous demands against the United States, other than those on account of the civil department, not otherwise provided for, and which shall have been ascertained and admitted in due course of settlement at the Treasury, and which are of a nature, according to the usage thereof, to require payment in specie, a sum not exceeding two thousand dollars; and that the several appropriations hereinbefore made be, and the same are hereby, directed to be paid out of the proceeds of the duties on imports and the tonnage of ships and vessels, and the duties on domestic distilled spirits and on stills, which shall accrue until the close of the present year.

Approved, June 1, 1796.

An Act making appropriations for the support of the Military and Naval Establishments for the year one thousand seven hundred and ninety-six.

Be it enacted, &c., That, including the appropriation of five hundred thousand dollars, made for the Military Establishment for the year one thousand seven hundred and ninety-six, by an act of the present session, there be appropriated for the Military and Naval Establishments a sum not exceeding one million three hundred and eighteen thousand eight hundred and seventy-three dollars, that is to say: For the pay of the Army of the United States, the sum of two hundred and seventy-three thousand six hundred and sixty-six dollars; for subsistence of the officers of the Army, the sum of forty-five thousand six hundred and six dollars; for the subsistence of the non-commissioned officers and privates, the sum of three hundred thousand dollars; for forage, the sum of sixteen thousand five hundred and ninety-two dollars; for clothing, the sum of seventy thousand dollars; for purchase of horses for the cavalry, the sum of three thousand seven hundred and fifty dollars; for bounties, the sum of ten thousand dollars; for

the hospital department, the sum of thirty thousand dollars; for the ordnance department, the sum of forty thousand dollars; for the Indian department, the sum of sixty thousand dollars; for the quartermaster's department, the sum of two hundred thousand dollars; for contingencies of the War Department, the sum of thirty thousand dollars; for the defence and protection of the frontiers, the sum of one hundred thousand dollars; for the completion of fortifications, magazines, store-houses, and barracks, at West Point, the sum of twenty thousand dollars; for the pay and subsistence of three captains in the Naval Department, the sum of five thousand dollars; for the payment of military pensions, including an allowance to the widows and children of officers, under an act, entitled "An act in addition to the act for making further and more effectual provision for the protection of the frontiers of the United States," the sum of one hundred and fourteen thousand two hundred and fifty-nine dollars.

SEC. 2. *And be it further enacted*, That the several appropriations hereinbefore made shall be paid and discharged out of the funds following, to wit: First. The surplus of the sum of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States," and which shall accrue during the year one thousand seven hundred and ninety-six. Secondly. The surplus of revenue and income beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-six. And, thirdly. The surplus which shall remain unexpended of the moneys appropriated to the use of the War Department for the year one thousand seven hundred and ninety-five.

SEC. 3. *And be it further enacted*, That the President of the United States be empowered to borrow, at an interest not exceeding six per cent., of the Bank of the United States, which is hereby authorized to lend the same, or of any body or bodies politic, person or persons, any sum or sums not exceeding in the whole six hundred and fifty thousand dollars, and to be applied to the purposes aforesaid, and to be reimbursed, as well interest as principal, out of the funds aforesaid.

Approved, June 1, 1796.

An Act providing relief to the owners of stills within the United States for a limited time, in certain cases.

Be it enacted, &c., That in every case of a distiller who hath entered his still or stills in such manner as to be liable to pay the duty of fifty-four cents upon the capacity or capacities thereof for the year to end in June, one thousand seven hundred and ninety-six, wherein it shall be made to appear to the supervisor of the district that the said distiller has been really and truly prevented from employing or working his still or stills during any part of the term aforesaid, by the destruction or failure of fruit and grain, or any other unavoidable cause, within the district in which he resides, it shall and may be lawful for the said supervisor, on application made to him any time before the last day of September next, to admit such distiller to the benefit

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of an election to pay, in lieu of the duty on the capacity of his still or stills for the year, the monthly duty of ten cents per gallon of the capacity for the time he employed his still or stills.

Approved, June 1, 1796.

An Act to suspend, in part, the act, entitled "An act to alter and amend the act, entitled 'An act laying certain duties upon snuff and refined sugar.'"

Be it enacted, &c., That so much of the act, entitled "An act to alter and amend the act, entitled 'An act laying certain duties upon snuff and refined sugar,'" as respects the duties therein laid upon mills and implements employed in the manufacture of snuff, and the drawbacks therein allowed upon the exportation of snuff manufactured within the United States, be suspended from the passing of this act until the end of the next session of Congress.

Approved, June 1, 1796.

Resolved by the Senate and House of Representatives of the United States of America in Con-

gress assembled, That the Secretary for the Department of War return to the respective district judges the names of all such persons as have been transmitted to him by the several district judges, pursuant to the act for the regulation of claims to invalid pensions; and in whose cases the examining physicians have neglected to specify the ratio of disability, together with such defective returns of physicians. And the said district judges, respectively, shall forthwith cause the examining physicians to specify the several rates of disability which have been so neglected; or, in case of sickness, death, or removal of one or both such physicians, to make new appointments, and cause the several rates of disability to be specified, and by the said physicians returned to them as soon as may be; of which they shall make return to the Secretary of War, who shall, at the session of Congress holden next after, or at the time of such receipt, make return thereof, with such observations as he may think proper to subjoin, that the proper order may be taken thereon by Congress.

Approved, April 18, 1796.

ACTS PASSED AT THE SECOND SESSION.

An Act to amend the act, entitled "An act for the more general promulgation of the Laws of the United States."

Be it enacted, &c., That the Secretary for the Department of State shall cause to be included in the edition of the Laws of the United States, directed to be printed by the said act, the laws of the United States, which may be passed during the present session of Congress: *Provided*, The same can be done at an expense which he shall judge reasonable.

Approved, December 21, 1796.

An Act giving effect to the Laws of the United States within the State of Tennessee.

Be it enacted, &c. That all the laws of the United States, which are not locally inapplicable, ought to have, and shall have, the same force and effect within the State of Tennessee, as elsewhere within the United States.

SEC. 2. And to the end that the act, entitled "An act to establish the judicial courts of the United States," may be duly administered within the State of Tennessee, *Be it enacted*, That the said State shall be one district, to be denominated Tennessee district; and there shall be a district court therein, to consist of one judge, who shall reside in the said district, and be called the district judge, and annually hold four sessions: the first to commence on the first Monday in April next, and the three other sessions, progressively, on the like Mondays of every three calendar months afterwards. The said district courts shall be held alternately at Knoxville and Nashville, beginning

at Nashville. And the said judge shall, in all things, have and exercise the same jurisdiction and powers which, by law, are given to the judge of the district of Kentucky.

SEC. 3. *And be it further enacted*, That there shall be allowed to the judge of the said district court the yearly compensation of eight hundred dollars, to commence from the date of his appointment, to be paid quarterly at the Treasury of the United States. And to the end, that the laws providing for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships and vessels, may be carried into effect, in the said State of Tennessee,

SEC. 4. *Be it further enacted*, That for the due collection of the said duties, the said State of Tennessee shall be one district, and a collector shall be appointed to reside at Palmyra, which shall be the only port of entry or delivery within the said district, of any goods, wares, or merchandise, not the growth or manufacture of the United States; and the said collector shall have and exercise all the powers which any other collector hath, or may legally exercise, for collecting the duties aforesaid; and in addition to the fees, by law provided, shall be paid the yearly compensation of one hundred dollars.

Approved, January 31, 1797.

An Act to augment the compensation of the Attorney General of the United States.

Be it enacted, &c., That the compensation allowed by law to the Attorney General of the United States shall be, and the same is hereby aug-

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mented, by an addition of the sum of five hundred dollars per annum, to commence on the first day of January in the present year, and payable quarter-yearly, at the public treasury.

Approved, March 2, 1797.

An Act to continue in force, for a limited time, the act, in addition to the act, for the punishment of certain crimes against the United States.

Be it enacted, &c., That the act, entitled "An act in addition to the act for the punishment of certain crimes against the United States," shall continue and be in force for and during the term of two years, and from thence to the end of the next session of Congress, and no longer.

Approved, March 2, 1797.

An Act making provision for the further accommodation of the household of the President of the United States.

Be it enacted, &c., That, after the third day of March next, the President of the United States be, and he hereby is, authorized and empowered to cause to be sold, such articles furnished by the United States for the President's household, as may be decayed, out of repair, or unfit for use; and that the proceeds of such sale, and so much of a sum, not exceeding fourteen thousand dollars in addition thereto, out of the proceeds of the duties on imports and tonnage which may accrue during the present year, as the President of the United States may judge necessary, be, and hereby are, appropriated for the accommodation of the household of the President, to be laid out and expended for such articles of furniture as he shall direct.

Approved, March 2, 1797.

An Act in addition to an act, entitled "An act concerning the registering and recording of ships or vessels," and to an act, entitled "An act for enrolling and licensing ships or vessels employed in the coasting trade and fisheries, and for regulating the same."

Be it enacted, &c., That, whenever it shall appear, by satisfactory proof, to the Secretary of the Treasury, that any ship or vessel hath been sold and transferred by process of law, and that the register, certificate of enrolment, or license, as the case may be, of such ship or vessel is retained by the former owners, it shall be lawful for the said Secretary to order and direct the collector of the district to which such ship or vessel may belong, to grant a new register, certificate of enrolment, or license, as the case may be, on the owners, under such sale, complying with such terms and conditions as are by law required for granting of such papers; excepting only the delivering up of the former certificate of registry, enrolment, or license, as the case may be: *Provided, nevertheless,* That nothing in this act contained shall be construed to remove the liability of any person or persons to any penalty for not surrendering up the papers belonging to any ship or vessel, on a transfer or sale of the same.

Approved, March 2, 1797.

An Act making appropriations for the support of Government, for the year one thousand seven hundred and ninety-seven.

Be it enacted, &c., That, for the expenditure of the civil list; for the extra expenses of foreign intercourse; for the support of the mint establishment, light-houses, beacons, buoys, and public piers, for the year one thousand seven hundred and ninety-seven; and to satisfy certain miscellaneous claims, stated in the report of the Secretary of the Treasury, of the fifteenth day of December, one thousand seven hundred and ninety-six, together with the incidental and contingent expenses of the several Departments, and the offices thereof, the following sums be respectively appropriated; that is to say:

For the compensations granted by law to the President and Vice President of the United States, thirty thousand dollars.

For the like compensations to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of four months' continuance, one hundred and thirty-eight thousand seven hundred and eighty-six dollars and sixty-seven cents.

For the expenses of fire-wood, stationery, printing-work, and all other contingent expenses of the two Houses of Congress, twelve thousand dollars.

For the compensations granted by law to the Chief Justice, Associate Judges, District Judges, and Attorney General, forty-four thousand nine hundred dollars.

For defraying the expenses of clerks of courts, jurors, and witnesses, in aid of the fund arising from fines, forfeitures, and penalties; and, likewise, for defraying the expenses of prosecutions for offences against the United States, and for safe-keeping of prisoners, thirty thousand dollars.

For compensation to the Secretary of State, clerks, and persons employed in that Department, seven thousand seven hundred and ninety-two dollars and sixty-four cents.

For incidental and contingent expenses in the said Department, eight thousand seven hundred and five dollars.

For compensation to the Secretary of the Treasury, clerks, and persons employed in his office, eight thousand seven hundred and fifty dollars.

For expense of stationery, printing, and all other contingent expenses in the office of the Secretary of the Treasury, five hundred dollars.

For compensation to the Comptroller of the Treasury, clerks, and persons employed in his office, eleven thousand seven hundred and fifty dollars.

For expense of stationery, printing, and all other contingent expenses in the Comptroller's office, eight hundred dollars.

For compensation to the Treasury, and clerks employed in his office, four thousand five hundred and fifty dollars.

For expense of firewood, stationery, printing, rent, and other contingencies in the Treasurer's office, six hundred dollars.

For compensation to the Auditor of the Treas-

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surry, clerks, and persons employed in his office, eleven thousand eight hundred and twenty-five dollars.

For expense of stationery, printing, and other contingent expenses in the Auditor's office, seven hundred and fifty dollars.

For compensation to the Commissioner of the revenue, clerks, and persons employed in his office, five thousand four hundred and twenty-five dollars.

For expense of stationery, printing, and all other contingent expenses in the office of the Commissioner of the Revenue, four hundred dollars.

For compensation to the Register of the Treasury, clerks, and persons employed in his office, fifteen thousand four hundred and twenty-five dollars.

For expense of stationery, printing, and all other contingent expenses in the Register's office, (including books for the public stocks, and for the arrangement of the marine papers,) two thousand eight hundred dollars.

For compensation to the Purveyor of Public Supplies, two thousand dollars, and five hundred dollars for a clerk.

For compensation to the Secretary to the Commissioners of the Sinking Fund, including his salary from the time of his appointment to the thirty-first day of December, one thousand seven hundred and ninety-seven, four hundred and nineteen dollars and seventeen cents.

For the payment of rent for the several houses employed in the Treasury Department, (except the Treasurer's office,) two thousand six hundred and ninety-three dollars and thirty-three cents.

For expense of firewood and candles in the several offices of the Treasury Department, (except the Treasurer's office,) three thousand five hundred dollars.

For defraying the expense incident to the stating and printing the public accounts for the year one thousand seven hundred and ninety seven, one thousand dollars.

For the payment of certain incidental and contingent expenses of the Treasury Department, in the year one thousand seven hundred and ninety-six, beyond the sum which was appropriated, one thousand five hundred dollars.

For compensation to the several Loan officers, thirteen thousand two hundred and fifty dollars.

For clerk-hire and stationery to the Commissioners of Loans, for the year one thousand seven hundred and ninety-seven, twelve thousand dollars.

For compensation to the Secretary of War, clerks, and persons employed in his office, eight thousand dollars.

For expense of firewood, stationery, printing, rent, and other contingent expenses of the office of the Secretary of War, two thousand dollars.

For compensation to the Accountant of the War Department, clerks, and persons employed in his office, seven thousand six hundred and fifty dollars.

For contingent expenses in the office of the Accountant of the War Department, six hundred dollars.

For compensation to the Surveyor General, two thousand dollars.

For compensation to the assistant surveyors, chain carriers, axe-men, and other persons employed in carrying into effect the surveys to be made by the act, entitled "An act providing for the sale of the lands of the United States, in the territory northwest of the river Ohio and above the mouth of Kentucky river, twenty-five thousand dollars.

For compensation to the Governor, Secretary, and Judges, of the territory northwest of the river Ohio, five thousand one hundred and fifty dollars.

For expenses of stationery, office rent, printing patents for land, and other contingent expenses in the said territory, three hundred and fifty dollars.

For the payment of sundry pensions granted by the late Government, one thousand one hundred and thirteen dollars and thirty-three cents.

For the annual allowance to the widow and orphan children of Colonel John Harding, and to the orphan children of Major Alexander Trueman, by the act of Congress of the twenty-seventh of February, one thousand seven hundred and ninety-three, one thousand seven hundred and fifty dollars.

For the annual allowance for the education of Hugh Mercer, son of the late Major General Mercer, by the act of Congress of the second of March, one thousand seven hundred and ninety-three, four hundred dollars.

For defraying the expenses of foreign intercourse, for the year one thousand seven hundred and ninety-seven, beyond the annual appropriations authorized by the act of Congress, passed the first day of July, one thousand seven hundred and ninety, entitled "An act providing the means of intercourse between the United States and foreign nations," seventeen thousand nine hundred dollars.

For compensations to the following officers of the Mint: The director, two thousand dollars; the treasurer, one thousand two hundred dollars; the assayer, one thousand five hundred dollars; the chief coiner, one thousand five hundred dollars; the melter and refiner, one thousand five hundred dollars; the engraver, one thousand two hundred dollars; three clerks, one at seven hundred dollars, and two at five hundred dollars each, one thousand seven hundred dollars.

For the wages of persons employed in the Mint, at the different branches of refining, melting, carpenter's, millwright's, and smith's work, including the sum of eight hundred dollars per annum, allowed to an assistant coiner and die-forger, who also oversees the execution of the iron work, seven thousand dollars.

For the payment of a deficiency which has arisen in the Mint, in coining the precious metals, by reason of wastage, the sum of one thousand eight hundred and forty-five dollars and ninety-

six cents; and for the payment of a deficiency which has arisen by reason of the loss of a quantity of silver, the further sum of nine hundred and seventy-four dollars and seventy-six cents.

For the purchase of ironmongery, lead, wood, coals, stationery, office furniture, and for all other contingencies for the establishment of the Mint, seven thousand four hundred dollars.

For the discharge of such demands against the United States, on account of the Civil Department, not otherwise provided for, as shall be ascertained and admitted in due course of settlement at the Treasury, and which are of a nature, according to the usage thereof, to require payment in specie, one thousand dollars.

For the maintenance and support of light-houses, beacons, buoys, and public piers, and stake-ages of channels, bars, and shoals, for the year one thousand seven hundred and ninety-seven, twenty-eight thousand five hundred dollars.

For completing a light-house on the island of Seguin, two thousand one hundred and seventy dollars.

For completing the payment due for building the light-house on Baldhead, North Carolina, one thousand three hundred and fifty-nine dollars and fourteen cents.

For completing a light-house on Montauk point, two thousand seven hundred and forty dollars and sixty-seven cents.

For the balance carried to the "Surplus Fund," of an appropriation for building a light-house on Montauk point, thirteen thousand dollars.

For extra clerkship, necessary for a part of the present year in the Loan office, for consolidating the accounts of assumed and original debt, agreeable to the thirteenth section of the act passed the third of March, one thousand seven hundred and ninety-five, two thousand five hundred dollars.

For the payment of the representatives of Samuel Patterson, late Commissioner of the Loan office for the State of Delaware, two hundred and seventy-two dollars and eighty-nine cents.

For the payment of a balance due to James O'Hara, late agent for the Quartermaster's department, two hundred and thirty-five dollars and eighty-one cents.

For the payment of a balance due to Timothy Pickering, as commissioner appointed to hold the Indian treaties at Canandaigua and Oneida, three thousand four hundred and sixty-three dollars and twelve cents.

For compensation to persons employed in bringing votes to the seat of Government for electors of the President and Vice President of the United States, one thousand six hundred dollars.

For making good certain deficiencies arising from the balance of moneys of various appropriations, being carried to the credit of the "Surplus Fund," in pursuance of the sixteenth section of the act passed the third of March, one thousand seven hundred and ninety-five, viz:

For payment of the clerks employed by the Commissioners of Loans, for the State of Massachusetts, New York, and North Carolina, for the quarter ending the thirtieth of March, one thou-

sand seven hundred and ninety-five, seven hundred and eighty-nine dollars and seventy cents.

For the payment of a balance due to Timothy Pickering, Beverly Randolph, and Benjamin Lincoln, commissioners appointed to negotiate and treat with the Indians, northwest of the river Ohio, on the second day of March, one thousand seven hundred and ninety-three, three thousand two hundred and forty-seven dollars and fifty-six cents.

For the discharge of such miscellaneous demands against the United States, not otherwise provided for, as shall have been admitted in due course of settlement at the Treasury, and which are of a nature, according to the usage thereof, to require payment in specie, four thousand dollars.

SEC. 2. *And be it further enacted*, That the several appropriations hereinbefore made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States;" together with so much as may be necessary, of the proceeds of the duties on imports and the tonnage of ships and vessels, and the duties on domestic distilled spirits and stills, which shall accrue until the close of the present year.

Approved, March 3, 1797.

An Act relative to the compensations and duties of certain officers employed in the collection of impost and tonnage.

Be it enacted, &c., That, in lieu of the commissions heretofore established by law, there shall be allowed to the collectors of the duties of impost and tonnage, on all moneys by them respectively received on account of the duties aforesaid arising on tonnage, and on goods, wares, and merchandise, imported after the last day of March in the present year, as follows: to wit,

To each of the collectors of the districts of Pennsylvania and New York, one quarter per cent.

To each of the collectors of the districts of Boston and Charlestown, and of Baltimore, one half per cent.

To each of the collectors of the districts of Charleston, Salem, and of Norfolk and Portsmouth, seven-eighths of one per cent.

To each of the collectors of the districts of Alexandria and Savannah, one per cent.

To the collector of the district of Newburyport, one and one-fourth per cent.

To each of the collectors of the districts of Portsmouth, Portland, Newport, Providence, and Newhaven, one and one-half per cent.

To each of the collectors of the districts of Georgetown (in Maryland) and Marblehead, two and one-half per cent.

To each of the collectors of the districts of New London, Biddeford, Bath and Wiscasset, two per cent.

And to each of the collectors of the districts of Tappahannock, Vermont, Champlain, Gloucester, Ipswich, Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, York, Pe-

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nobscot, Frenchman's Bay, Machias, Passamaquoddy, Waldoborough, Middletown, Fairfield, Sag Harbour, Hudson, Perth-Amboy, Burlington, Bridgetown, Little-Egg Harbor, Wilmington (in Delaware,) Havre-de-Grace, Chester, Oxford, Vienna, Snow Hill, Annapolis, Nottingham, Nanjemoy, Bermuda Hundred, Hampton, Yorktown, Yeocomico, Dumfries, Foley Landing, Cherrystone, South Quay, Kentucky, Wilmington (North Carolina,) Newbern, Washington, Edenton, Camden, Georgetown (South Carolina,) Beaufort, Sunbury, Brunswick, St. Mary's, Hardwick, and Tennessee, three per cent.

SEC. 2. *And be it further enacted*, That, from and after the last day of March in the present year, in lieu of the yearly allowances heretofore established by law, there shall be yearly allowed to the following officers the sums following: to wit,

To each of the collectors of the districts of Annapolis, Havre-de-Grace, Gloucester, South Quay, Yeocomico, Tappahannock, Newbern, Edenton, Camden, Wilmington (North Carolina,) Nanjemoy, Ipswich, York, Washington, Passamaquoddy, Saint Mary's, Vermont, Champlain, and Bermuda Hundred, the sum of two hundred and fifty dollars.

To each of the collectors of the districts of Oxford, Vienna, Chester, Sag Harbor, Nottingham, Hampton, York Town, Dumfries, Foley Landing, Cherrystone, Beaufort, Brunswick, and Hardwick, the sum of two hundred dollars.

To each of the collectors of the districts of Perth Amboy, Kentucky, Portsmouth, Hudson, Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, Penobscot, Frenchman's Bay, Machias, Newport, Middletown, Fairfield, Burlington, Bridgetown, Great Egg Harbor, Little Egg Harbor, Wilmington (in Delaware,) Snow Hill, Georgetown (in South Carolina,) Sunbury, Tennessee, Marblehead, Newhaven, and Georgetown (in Maryland,) the sum of one hundred and fifty dollars.

To each of the collectors of Biddeford, Bath, and Wiscasset, one hundred dollars.

To the naval officer of the district of Portsmouth, two hundred dollars.

To each of the naval officers of the districts of Newburyport, Salem, Newport, Providence, Wilmington (in North Carolina,) and Savannah, the sum of one hundred and fifty dollars.

To each of the surveyors of Salem, Portsmouth, Newburyport, Bristol, Warren, East Greenwich, Saint Mary's, Suffolk, Smithfield, Richmond, Petersburg, Fredericksburg, Wilmington, Beaufort, and Swansborough, the sum of two hundred and fifty dollars.

To each of the surveyors of Newport, Providence, Thomastown, Beverly, Newhaven, Middletown, Hartford, Saybrook, Albany, Hudson, Lewellensburg, Portland, North Kingston, Pawhatuck, Patuxet, New London, Stonington, Town Creek, Bermuda Hundred, West Point, Urbanna, Port Royal, Alexandria, Windsor, Hertford, Plymouth, Skewarky, Murfreesborough, Bennet's Creek, Winton, Nixonton, New Biggen Creek,

Pasquotank river, Indian Town, Currituck inlet, Savannah, and New Brunswick (in New Jersey,) the sum of one hundred and fifty dollars.

SEC. 3. *And be it further enacted*, That, from and after the last day of March in the present year, in lieu of the sum heretofore established by law, there shall be paid to each inspector, for every day he shall be employed in aid of the customs, a sum not exceeding two dollars; and that, instead of the sum heretofore established by law to be paid for the weighing of every one hundred and twelve pounds, in the districts of Pennsylvania and New York there shall be paid one cent, in the districts of Boston and Charlestown, and of Baltimore, one cent and a quarter; and the weighers in the several districts shall defray all expense of laborers in weighing, and shall mark on each cask, box, bag, or package, the weight thereof, where the same is not less than three hundred pounds, if thereunto required by the owner at the time of weighing.

SEC. 4. *And be it further enacted*, That, from and after the last day of March in the present year, all fees arising on the exportation of any goods, wares, or merchandise, on which drawbacks are allowed, shall be equally shared among the collector, naval officer, and surveyor, where there are such officers at the port where such fees are paid, to be accounted for quarterly by the collector or naval officer who shall receive the same; and where there is no naval officer, such fees shall be divided equally between the collector and the surveyor who may have been concerned in attending to such exportation. And the surveyors shall pay their proportion of the expense of stationery and printing.

SEC. 5. *And be it further enacted*, That, previous to a clearance being granted to any vessel outward bound, the legal fees which shall have accrued on such vessel, shall be paid at the office or offices where such fees are respectively payable; and receipts for the same shall be produced to the collector or other officer whose duty it may be to grant clearances, before such clearance is granted.

SEC. 6. *And be it further enacted*, That a surveyor be appointed for the port of New Brunswick in New Jersey, to reside at New Brunswick. And the port of Marblehead shall hereafter be a port at which vessels arriving from beyond the Cape of Good Hope may enter and unlade.

Approved, March 3, 1797.

An Act for raising a further sum of money, by additional duties on certain articles imported, and for other purposes.

Be it enacted, &c., That, from and after the thirtieth day of June next the following duties in addition to those now in force, and payable on the several articles hereinafter enumerated, shall be laid, levied, and collected upon those articles respectively, at their importation into the United States from any foreign port or place, viz: upon all brown sugar, per pound one half cent; upon

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all bohea tea, per pound, two cents; upon all molasses, per gallon, one cent; and upon all velvets and velverets, whether printed, stained, colored, or otherwise, and upon all muslins and muslinets, and other cotton goods, not printed, stained or colored, two and a half per centum, ad valorem.

SEC. 2. *And be it further enacted*, That, from and after the said thirtieth day of June next, the duties now in force and payable upon sugar-candy and cocoa imported into the United States shall cease; and that, in lieu thereof, there shall thenceforth be levied and collected the following duty: viz., upon all sugar-candy, at its importation into the United States from any foreign port or place, nine cents per pound; and upon all cocoa upon its importation as aforesaid, two cents per pound.

SEC. 3. *And be it further enacted*, That an addition of ten per centum shall be made to the several rates of duties above specified and imposed, in respect to all such goods, wares, and merchandise, as aforesaid, as shall, after the said last day of June next, be imported in ships or vessels not of the United States.

SEC. 4. *And be it further enacted*, That the duties laid by this act, shall be levied and collected in the same manner, and under the same regulations and allowances as to drawbacks, mode of security, and time of payment, respectively, with the several duties now in force on the respective articles hereinbefore enumerated.

SEC. 5. *And be it further enacted*, That, on account of the additional duties laid on brown sugar and molasses by this act, the following sums, respectively, shall, from and after the last day of December next, be added to drawbacks now allowed and paid by law on sugar refined within the United States, and exported therefrom, and on spirits distilled from molasses within the United States, and exported therefrom, viz: on all sugar so refined and exported, one cent per pound; and on all spirits so distilled and exported, one cent per gallon; which additional drawbacks shall be allowed and paid according to the regulations now established by law, respecting the present drawbacks allowed on the said articles.

SEC. 6. *And be it further enacted*, That the proceeds of the duties laid by this act, shall be solely appropriated to the following purpose, that is to say: First, for the payment of the principal of the present foreign debt of the United States. Secondly, for the payment of the principal of the debt due by the United States to the Bank of the United States.

Approved. March 3, 1797.

An Act repealing in part the "Act concerning the duties on spirits distilled within the United States," passed the eighth of May, one thousand seven hundred and ninety-two; and imposing certain duties on the capacity of stills of a particular description.

Be it enacted, &c., That, in respect to stills employed in distilling spirits from materials of the

growth and produce of the United States, at any other place than a city, town, or village, or at any distillery in a city, town, or village, at which there are one or more stills, which singly, if only one, or together, if more than one, are of less capacity than four hundred gallons, the option and alternative of paying a duty of seven cents for every gallon of spirits distilled in such stills, as secured and allowed by the first section of the act, entitled "An act concerning the duties on spirits distilled within the United States," passed on the eighth day of May, one thousand seven hundred and ninety-two, be, and the same is hereby, declared to be, abolished, from and after the thirtieth day of June ensuing.

SEC. 2. *And be it further enacted*, That, in lieu of the option and alternative aforesaid, the proprietor or possessor of any such still or stills, as are above mentioned, shall, and may, after the first day of July ensuing, be charged with and shall pay the following duties, to wit: For a license for the employment of each and every such still, for and during the term of two weeks, six cents per gallon, according to the capacity or content of every such still, including the head thereof. For a license for and during the term of one month, ten cents per gallon, as aforesaid. For a license for and during the term of two months, eighteen cents per gallon, as aforesaid. For a license for and during the term of three months, twenty-four cents per gallon, as aforesaid. For a license for and during the term of four months, thirty cents per gallon, as aforesaid. For a license for and during the term of five months, thirty-six cents per gallon, as aforesaid. And for a license for and during the term of six months, forty-two cents per gallon, as aforesaid.

SEC. 3. *And be it further enacted*, That upon the sale or transfer of any still licensed according to this act, the right and privilege of using such still during the time for which such license may remain in force, shall accrue to the new proprietor or possessor, due entry of the sale or transfer being previously made with the proper officer of inspection.

SEC. 4. *And be it further enacted*, That every distiller, as aforesaid, who shall commence any distillation, prior to obtaining a license therefor, shall pay a duty equal to that demandable in consequence of a license for six months; and no new license shall be granted for any still until all duties which have accrued thereon shall have been paid and discharged.

SEC. 5. *And be it further enacted*, That the several provisions and clauses of the acts heretofore passed, and remaining in force, for laying, securing, and collecting duties on spirits distilled within the United States, and on stills; for regulating the exportation of such spirits, and for making an allowance to the exporters of the same, by way of drawback, shall extend to and remain in full force, with respect to the several provisions and clauses of this act, subject only to the alterations hereby made.

Approved, March 3, 1797.

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An act authorizing the President of the United States to apply a further sum to the expense of negotiations with the Dey and Regency of Algiers.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to apply a sum not exceeding two hundred and eighty thousand two hundred and fifty-nine dollars and three cents to the expenses which may have been incurred in any negotiations with the Dey and Regency of Algiers, beyond the sums heretofore appropriated; and that the said sum of two hundred and eighty thousand two hundred and fifty-nine dollars and three cents be, and the same is hereby, appropriated for that purpose.

SEC. 2. And be it further enacted, That a further sum, not exceeding ninety-six thousand two hundred and forty-six dollars and sixty-three cents, be, and the same is hereby, appropriated for discharging the two first years' annuity to the Dey and Regency of Algiers, pursuant to treaty, in addition to the sum appropriated for that purpose by the act of the sixth of May, one thousand seven hundred and ninety-six.

SEC. 3. And be it further enacted, That the said several sums shall be paid and discharged out of any moneys arising from the revenues of the United States, beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-seven.

Approved, March 3, 1797.

An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned.

Be it enacted, &c., That, whenever any person or persons who shall have incurred any fine, penalty, forfeiture, or disability, or or shall have been interested in any vessel, goods, wares, or merchandise, which shall have been subject to any seizure, forfeiture, or disability, by force of any present or future law of the United States for the laying, levying, or collecting, of any duties or taxes, or by force of any present or future act concerning the registering and recording of ships or vessels, or any act concerning the enrolling and licensing ships or vessels employed in the coasting trade or fisheries, and/or regulating the same, shall prefer his petition to the judge of the district, in which such fine, penalty, forfeiture, or disability, shall have accrued, truly and particularly setting forth the circumstances of his case, and shall pray that the same may be mitigated or remitted, the said judge shall inquire, in a summary manner, into the circumstances of the case, first causing reasonable notice to be given to the person or persons claiming such fine, penalty, or forfeiture, and to the attorney of the United States, for such district, that each may have an opportunity of showing cause against the mitigation or remission thereof; and shall cause the facts which shall appear, upon such inquiry, to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury of the United States, who shall, thereupon, have power to mitigate or remit such fine, forfeiture, or penalty, or remove

such disability, or any part thereof, if, in his opinion, the same shall have been incurred without wilful negligence, or any intention of fraud in the person or persons incurring the same; and to direct the prosecution, if any shall have been instituted for the recovery thereof, to cease and be discontinued, upon such terms and conditions as he may deem reasonable and just.

SEC. 2. And be it further enacted, That the judicial courts of the several States, to whom, by any of the said acts, a jurisdiction is given, shall and may exercise all and every power in the cases cognizable before them, for the purpose of obtaining a mitigation or remission of any fine, penalty, or forfeiture, which may be exercised by the judges of the district courts in cases depending before them.

SEC. 3. Provided always, and be it further enacted, That nothing herein contained shall be construed to affect the right or claim of any person to that part of any fine, penalty, or forfeiture, incurred by the breach of any of the laws aforesaid, which such person shall or may be entitled to, by virtue of the said laws, in cases where a prosecution has been commenced, or information has been given before the passing of this act or any other act relative to the mitigation or remission of such fines, penalties, or forfeitures: the amount of which right and claim shall be assessed and valued by the proper judge, or court, in a summary manner.

SEC. 4. And be it further enacted, That this act shall continue in force for the term of two years, and from thence to the end of the next session of Congress, and no longer.

Approved, March 3, 1797.

An Act to authorize the receipt of evidences of the Public Debt, in payment for the lands of the United States.

Be it enacted, &c., That the evidences of the public debt of the United States shall be receivable in payment for any of the lands which may be hereafter sold, in conformity to the act, entitled "An act providing for the sale of the lands of the United States, in the territory northwest of the river Ohio, and above the mouth of Kentucky river," at the following rates, viz: The present foreign debt of the United States, and such debt or stock as at the time of payment shall bear an interest of six per centum per annum, shall be received at their nominal value; and the other species of debt, or stock of the United States, shall be received at a rate bearing the same proportion to their respective market price at the seat of Government, at the time of payment, as the nominal value of the above-mentioned six per centum stock shall, at the same time, bear to its market price at the same place—the Secretary of the Treasury, in all cases, determining what such market price is.

Approved, March 3, 1797.

An Act to alter the time for the next meeting of Congress.

Be it enacted, &c., That, after the end of the

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present session, the next meeting of Congress shall be on the first Monday of November, in the present year.

Approved, March 3, 1797.

An Act to amend and repeal, in part, the act, entitled "An act to ascertain and fix the Military Establishment of the United States."

Be it enacted, &c., That the third section of the act passed the thirtieth of May, one thousand seven hundred and ninety-six, entitled "An act to ascertain and fix the Military Establishment of the United States," together with all other parts thereof which relate to provision made for the major general and his staff, be repealed; and that all such parts of the said act, together with so much of the twenty-third section as may be construed to affect the brigadier, and the whole of the eleventh section of the said act be, and are hereby, repealed.

Sec. 2. *And be it further enacted,* That there shall be one brigadier general, who may choose his brigade major and inspector from the captains and subalterns in the line, (to each of whom there shall be allowed the monthly pay of twenty-five dollars, in addition to his pay in the line, and two rations extraordinary per day; and whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof.) That there shall be one judge advocate, who shall be taken from the commissioned officers of the line, and shall be entitled to receive two rations extra per day, and twenty-five dollars per month, in addition to his pay in the line; and whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof.

Sec. 3. *And be it further enacted,* That there shall be one quartermaster general, and one paymaster general, who shall receive the same pay and emoluments, respectively, which those officers have heretofore been allowed by law.

Sec. 4. *And be it further enacted,* That, from and after the thirtieth day of June next, the monthly pay of the lieutenants shall be thirty dollars, and that of the ensigns twenty-five dollars; that to the brigadier, while commander-in-chief, and to each officer, whilst commanding a separate post, there shall be allowed twice the number of rations to which they would otherwise be entitled.

Sec. 5. *And be it further enacted,* That the majors be entitled to receive four rations per day, for their daily subsistence.

Sec. 6. *And be it further enacted,* That, to each commissioned officer who may have been deranged under the act "to ascertain and fix the Military Establishment of the United States," there shall be paid the amount of six months' pay and subsistence.

Approved, March 3, 1797.

An Act making appropriations for the Military and Naval Establishments, for the year one thousand seven hundred and ninety-seven.

Be it enacted, &c., That, for the support of the Military and Naval Establishments, for the year

one thousand seven hundred and ninety-seven, the following sums be respectively appropriated—that is to say:

For the pay of the Army of the United States, the sum of two hundred and fifty-six thousand four hundred and fifty dollars.

For the subsistence of the officers of the army, a sum not exceeding forty-seven thousand three hundred and ninety-five dollars.

For the subsistence of the non-commissioned officers and privates, a sum not exceeding two hundred and forty-five thousand two hundred and eighty-three dollars.

For forage, the sum of fourteen thousand nine hundred and four dollars.

For clothing, a sum not exceeding eighty-three thousand and fifty dollars.

For the purchase of horses and equipments for the cavalry, sixteen thousand and eighty-five dollars.

For the hospital department, a sum not exceeding ten thousand dollars.

For the ordnance department, a sum not exceeding forty thousand dollars.

For the fortifications of the ports and harbors of the United States, a sum not exceeding twenty-four thousand dollars.

For the quartermaster's department, the Indian department, the defensive protection of the frontiers, bounties, and all the contingent expenses of the War Department, a sum not exceeding three hundred thousand dollars.

To make good deficiencies in the appropriations in the Military Establishment, for the year one thousand seven hundred and ninety-six, the sum of seventy-six thousand three hundred and twelve dollars.

For the pay and subsistence of three captains in the Naval Department, and for the pay of laborers employed in taking care of the frigates, the sum of five thousand dollars.

For finishing the frigates United States, Constitution, and Constellation, the sum of one hundred and seventy-two thousand dollars.

For the payment of military pensions, including an allowance to the widows and children of officers, under an act entitled "An act in addition to the act for making further provision for the protection of the frontiers of the United States," the sum of ninety-six thousand three hundred and fifty dollars.

To satisfy and discharge claims for militia services on the frontiers of Georgia, the sum of seventy thousand four hundred and ninety-six dollars and thirty-five cents: for militia services on the frontiers of Kentucky, three thousand eight hundred and thirty-six dollars and seventy-six cents: and for militia services on the frontiers of South Carolina, the sum of forty-eight thousand four hundred dollars and twenty-five cents.

For the payment of General John Sevier and his brigade, for services in the year 1793, the sum of twenty-two thousand eight hundred and sixteen dollars and thirty-five cents.

For the payment of six months' pay and subsistence to each of the officers discharged under

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the act, "to ascertain and fix the Military Establishment of the United States," a sum not exceeding three thousand dollars: which sums shall be solely applied to the objects for which they are respectively appropriated.

SEC. 2. *And be it further enacted*, That the several appropriations, hereinbefore made, shall be paid and discharged out of the surplus of revenue and income beyond the appropriations heretofore charged thereon, to the end of the present year.

Approved, March 3, 1797.

An Act to suspend in part the act, entitled "An act to alter and amend the act, entitled 'An act laying certain duties upon snuff and refined sugar,' and to grant relief in certain cases arising under the said act.

Be it enacted, &c., That so much of the act entitled "An act to alter and amend the act, entitled 'An act laying certain duties upon snuff and refined sugar,'" as respects the duties therein laid upon mills and implements employed in the manufacture of snuff, and the drawbacks therein allowed upon the exportation of snuff manufactured within the United States, be suspended from the passing of this act until the end of the next session of Congress.

SEC. 2. *And be it further enacted*, That in all cases of licenses granted under the said act, where, by failure of water, or other casualty occurring to the mill or mills, or to the implements, or to the proprietor or other person licensed, the use and benefit of such license has been lost, or considerably interrupted, and the duties thereon required or paid may be considered as peculiarly unequal and injurious, the Secretary of the Treasury, upon due representation and proof of such case, shall be and he hereby is authorized to cause to be refunded or remitted, such part of the duties paid or secured on such license, as shall appear just and reasonable under the circumstances of the case, and having regard to the loss, injury, or peculiar hardship sustained as aforesaid.

Approved, March 3, 1797.

An Act in addition to the act, entitled "An act to establish the Post Office and Post Roads within the United States."

Be it enacted, &c., That the following post roads be discontinued, namely: From Blue-hill, in Maine, to Penobscot, Frankfort, and Belfast; from Bardstown, in Kentucky, to Nashville, in Tennessee; from Taunton to Providence; from Bethlehem, by Reading, to Lancaster; from Elkton to Warwick; from Georgetown to Cheraw Court-house; from Bethlehem to Wilkesbarre; from Plymouth to Windsor; from Winton, by the bridge on Bennett's creek, to R. Mitchell's; from Mecklenburg to Halifax Court-house; from Richmond, by New Castle, to Aylett's Warehouse; from Morgantown, by Lincolnton, to Pinckney Court-house; from Springfield, by Northampton, Brattleborough and Charleston, by Windsor, in Vermont, to Hanover.

SEC. 2. *And be it further enacted*, That the following be established as post roads, namely:

From Blue-hill, in Maine, through Castine, Penobscot, Buckston, Frankfort and Prospect, to Belfast; from Hallowell, in Maine, to Farmington, on Sandy river; from Portland, in Maine, by Falmouth, Gorham, Buxton and Standish, to Limerick; from Berwick, in Maine, through Lebanon, Shapleigh and Parsonfield, to Limerick; from Standish, by Flintstown, to Fryburg Academy; from Sandwich, by Tamworth and Conway, in New Hampshire, to Fryburg, in Massachusetts; from Portsmouth to Dover, in New Hampshire; from Newburyport to Haverhill; and from Haverhill, by Kingston, Exeter, Newmarket and Durham, to Dover; from Yarmouth, by Dennis, Harwich and Chatham, to Truro; from Worcester, in Massachusetts, by Petersham and Northfield, to Brattleborough, in Vermont; from Newport, in Rhode Island, through Taunton, Norton, Mansfield and Sharon, to Boston; from Boston, through Charlestown, Medford, Woburn, Billerica, Chelmsford and Tyngsborough, in Massachusetts, to Amherst, in New Hampshire; from Windsor, in Vermont, by Royalton, Randolph, Williamston and Montpelier, to Burlington; from New Haven, in Connecticut, by such route as the postmaster shall deem expedient, to Litchfield and Sheffield, in Massachusetts; from New York, by Whiteplains, Bedford, Frederickstown, Dover, Sharon, Sheffield, Stockbridge, Pittsfield and Williamston, to Bennington in Vermont; from Lansingburg, in New York, by Waterford, Stillwater, Fort Edward, Whitehall-landing and Fairhaven, to Rutland, in Vermont; from New York to Hackensack, Paramus, New Antrim, thence to Chester and Goshen; from Lansingburg, by Salem, Fairhaven, Vergennes and Bason harbor, to Plattsburg; from Plattsburg to Pliny Moore's, in the town of Champlain; from Schenectady, by Ballston Springs and Glen's bridge, to Sandyhill; from Old Fort Schuyler, in New York, by Cincinnati, to Oxford Academy, on the Chenango; from Rome, in the State of New York, to Rotterdam, on the Oneida Lake; from Philadelphia to Tuckerton, in New Jersey; from Bristol, in Pennsylvania, to Burlington, in New Jersey; from Bethlehem, by Easton, to Wilkesbarre, in Pennsylvania; from Harrisburg upon the east side of the Susquehanna river, to Clark's ferry, at Petersburg, by Millerstown, Thompsonstown, Mifflintown, Lewiston, and Huntingdon, to Alexandria; from thence by Centre-furnace and Bellefont, to Milesburg, on the Bald-eagle river, at the mouth of Spring creek; from thence by Aaronsburg, Mifflinsburg, Louisburg (Deerston) and Northumberland, to Sunbury; and from thence down the east side of the Susquehanna river, to Harrisburg; from Somerset, through Connelsville, to Uniontown, and from Bedford, in Pennsylvania, the mail shall be carried through Somerset, to Greensburg, after the expiration of the present contract for carrying the mail; from Baltimore, by Ellicot's lower mills, Montgomery Court-house, and Charlesburg, to Leesburg in Virginia; from Morgantown, in Virginia, to Clarksburg, in Harrison county; from Leesburg, by Middleburg, in Loudoun county, by Fauquier Court-house to

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Culpeper Court-house; from Petersburg, by Sussex Court-house, and Southampton Court-house, to South Quay; from Richmond, by Hanover-town, to Aylett's warehouse; from Todd's bridge to King and Queen Court-house; from Halifax Court-house, in Virginia, by Danville, to Caswell Court-house, in North Carolina; from Newburn to Beaufort and Swansborough, the mail to go alternately; and from Wilmington, in North Carolina, by Georgetown to Charleston, in South Carolina; from Jonesburg, in North Carolina, by Northwest-river bridge, Great bridge, and Kempsville, to Norfolk; from Elizabeth City, in North Carolina, by New Lebanon, to Northwest-river bridge; from Morgantown, by Rutherfordton, to Spartan Court-house, in South Carolina, and from Charlotte, by Lincolnton, to Iredell; from Bethania, in North Carolina, by Grayson Courthouse, to Wythe Court-house in Virginia; from Mecklenberg Court-house, to return by Lunenberg Court-house and Edmonds's store, to Goldson's; from Augusta, in Georgia, by Robison's, at the White Ponds and Gillett's mill, to Coosawatchie, in South Carolina; from Moffet's store, in Tennessee, to Danville, in Kentucky; from Knoxville, by Southwest Point, and Fort Blount, to Nashville; from Winton, by Windsor, to Edenton; from Murfreesborough, by South Quay, to Suffolk, in Virginia; from Fayetteville to Pittsburg, in Chatham county; from Nottingham to Lower Marlborough in Maryland; from Benedict to Chaptico, by Charlotte-hall Academy; from Allen's fresh, in Maryland, by Laidlor's ferry, to Port Conway, in Virginia; from Waynesborough to Louisville, by Georgetown to Rock-landing, in Georgia, from Kanondaugua, in the State of New York, to Niagara; from Suffield, in Connecticut, by Northampton, Brattleborough and Charlestown, by Windsor, in Vermont, to Hanover; from Springfield, by West Springfield, to Northampton; and that the route of the mail, from Easton, on the Eastern-shore of Maryland, to Vienna, shall be through Newmarket.

Sec. 3. *And be it further enacted*, That the Postmaster General be authorized to expend, for clerk-hire, a sum not exceeding five hundred dollars, in addition to the sum heretofore allowed; and that he be authorized to charge the United States with two hundred and seventy-one dollars and fifty-two cents, for the occasional hire of extra clerks, from the first of January to the thirty-first of December, one thousand seven hundred and ninety-six.

Sec. 4. *And be it further enacted*, That, from and after the passing of this act, every person who shall procure, aid, advise, or assist in the doing or perpetration of any of the crimes or acts forbidden to be done or perpetrated by the act, entitled "An act to establish the post office and post roads within the United States," shall be subject to the same punishments and penalties as the persons are subject, who shall actually do, or perpetrate any of the acts or crimes forbidden by the said act.

Sec. 5. *And be it further enacted*, That, from and after the thirty-first day of March of the present year, instead of the compensation heretofore

allowed by law to the deputy postmasters, the Postmaster General be hereby authorized to allow to the deputy postmasters, respectively, such commission on the moneys arising from the postages of letters and packets, as shall be adequate to their respective services and expenses: *Provided*, That the said commission shall not exceed thirty per cent. on the first hundred dollars collected in one quarter, and twenty-five per cent. on a sum over one hundred, and not more than three hundred dollars; and twenty per cent. on any sum over four hundred and not exceeding two thousand dollars; and eight per cent. on any sum collected, being over two thousand four hundred dollars; except to the deputy postmasters who may be employed in receiving and despatching foreign mails, whose compensation may be augmented, not exceeding twenty-five dollars in one quarter; and excepting, to the deputy postmasters, at offices where the mail is regularly to arrive between the hours of nine o'clock at night and five o'clock in the morning; whose commission on the first hundred dollars collected in one quarter, may be increased to a sum not exceeding fifty per cent. The Postmaster General may allow to the deputy postmasters, respectively, a commission of fifty per cent. on the money arising from the postages of newspapers, magazines, and pamphlets; and to the deputy postmasters, whose compensation shall not exceed five hundred dollars in one quarter, two cents for every free letter delivered out of the office, excepting such as are for the deputy postmaster himself: *Provided*, That the authority given by this section to the Postmaster General to regulate the commissions to be allowed to the deputy postmasters, shall continue in force until the thirty-first day of March, one thousand seven hundred and ninety-eight, and no longer: And that it shall be his duty to report to the said session, the respective commissions which he shall have allowed, by virtue of the authority herein given.

Sec. 6. *And be it further enacted*, That no newspapers shall be received by the deputy postmasters, to be conveyed by post, unless they are sufficiently dried and enclosed in proper wrappers, on which, besides the direction, shall be noted the number of papers which are enclosed for subscribers, and the number for printers. The deputy postmasters shall form all newspapers deposited in their offices to be conveyed by post, into mails; and if any deputy postmaster shall open, or permit any mail of newspapers not directed to his office to be opened, he shall, on conviction thereof, forfeit for every such offence, a sum not exceeding twenty dollars; and any other person who shall open such mail of newspapers, on conviction thereof, shall forfeit a sum not exceeding twenty dollars for every such offence: *Provided*, That when mails are directed to places where no post office is kept, they may be opened at the post office most convenient to such place, and may also be opened where the direction is effaced.

Sec. 7. *And be it further enacted*, That this act shall not be construed to affect any existing contracts.

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SEC. 8. *And be it further enacted*, That it shall be the duty of the Postmaster General, to report annually to Congress every post road which shall not, after the second year, from its establishment, have produced one-third of the expense of carrying the mail on the same.

SEC. 9. *And be it further enacted*, That all letters and packets to George Washington, now President of the United States, after the expiration of his term of office, and during his life, shall be received and conveyed by post free of postage.

Approved, March 3, 1797.

- An Act to provide more effectually for the settlement of accounts between the United States and Receivers of public money.

Be it enacted, &c., That, when any revenue officer, or other person accountable for public money, shall neglect or refuse to pay into the Treasury the sum or balance reported to be due to the United States upon the adjustment of his account, it shall be the duty of the Comptroller, and he is, hereby, required to institute suit for the recovery of the same, adding to the sum stated to be due on such account the commissions of the delinquent, which shall be forfeited in every instance where suit is commenced and judgment obtained thereon, and an interest of six per cent. per annum, from the time of receiving the money until it shall be repaid into the Treasury.

SEC. 2. *And be it further enacted*, That in every case of delinquency where suit has been or shall be instituted, a transcript from the books and proceedings of the Treasury, certified by the Register, and authenticated under the seal of the Department, shall be admitted as evidence, and the court trying the cause shall be thereupon authorized to grant judgment, and award execution accordingly. And all copies of bonds, contracts, or other papers relating to or connected with the settlement of any account between the United States and an individual, when certified by the Register to be true copies of the original on file, and authenticated under the seal of the Department, as aforesaid, may be annexed to such transcripts, and shall have equal validity and be entitled to the same degree of credit which would be due to the original papers, if produced and authenticated in court: *Provided*, That where suit is brought upon a bond, or other sealed instrument, and the defendant shall plead "*non est factum*," or upon motion to the court, such plea or motion being verified by the oath or affirmation of the defendant, it shall be lawful for the court to take the same into consideration, and (if it shall appear to be necessary for the attainment of justice) to require the production of the original bond, contract, or other paper specified in such affidavit.

SEC. 3. *And be it further enacted*, That where suit shall be instituted against any person or persons indebted to the United States, as aforesaid, it shall be the duty of the court where the same may be pending to grant judgment at the return term, upon motion, unless the defendant shall, in open court, (the United States attorney being present),

make oath or affirmation that he is equitably entitled to credits which had been, previous to the commencement of the suit, submitted to the consideration of the accounting officers of the Treasury and rejected; specifying each particular claim so rejected, in the affidavit, and that he cannot then come safely to trial. Oath or affirmation to this effect being made, subscribed, and filed, if the court be thereupon satisfied, a continuance until the next succeeding term may be granted, but not otherwise, unless as provided in the preceding section.

SEC. 4. *And be it further enacted*, That in suits between the United States and individuals, no claim for a credit shall be admitted upon trial but such as shall appear to have been presented to the accounting officers of the Treasury for their examination, and by them disallowed, in whole or in part, unless it shall be proved to the satisfaction of the court that the defendant is, at the time of trial, in possession of vouchers not before in his power to procure, and that he was prevented from exhibiting a claim for such credit at the Treasury by absence from the United States or some unavoidable accident.

SEC. 5. *And be it further enacted*, That where any revenue officer, or other person hereafter becoming indebted to the United States, by bond or otherwise, shall become insolvent, or where the estate of any deceased debtor, in the hands of executors or administrators, shall be insufficient to pay all the debts due from the deceased, the debt due to the United States shall be first satisfied; and the priority hereby established shall be deemed to extend as well to cases in which a debtor, not having sufficient property to pay all his debts, shall make a voluntary assignment thereof, or in which the estate and effects of an absconding, concealed, or absent debtor, shall be attached by process of law, as to cases in which an act of legal bankruptcy shall be committed.

SEC. 6. *And be it further enacted*, That all writs of execution upon any judgment obtained for the use of the United States in any of the courts of the United States in one State, may run and be executed in any other State, or in any of the Territories of the United States, but shall be issued from, and made returnable to, the court where the judgment was obtained, any law to the contrary notwithstanding.

SEC. 7. *And be it further enacted*, That nothing in this act shall be construed to repeal, take away, or impair any legal remedy or remedies for the recovery of debts now due or hereafter to be due to the United States, in law or equity, from any person or persons whatsoever, which remedy or remedies might be used if this act was not in force.

Approved, March 3, 1797.

An Act authorizing an expenditure, and making an appropriation for the prosecution of the claims of certain citizens of the United States for property captured by the belligerent Powers.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to

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advance, on account of the several prize causes before the Court of Admiralty and Court of Appeals, in England, a sum sufficient to defray the costs thereof, so far as the agents of the United States may have become sureties for the same. And that for defraying, during the year one thousand seven hundred and ninety-seven, that expense, and that which may be incurred in procuring from the Admiralty Courts of any of the belligerent Powers copies of papers relative to the property of American citizens captured by any of the said Powers, a sum not exceeding fifty thousand dollars, shall be, and hereby is, appropriated, in addition to the sums which, from the appropriations for intercourse with foreign nations, have been expended under the direction of the President of the United States in the prosecution of those claims; which sum shall be paid from any moneys which may be in the Treasury, not otherwise appropriated.

SEC. 2. *And be it further enacted*, That, from the money which has been, or which shall be received on any claim, as aforesaid, all costs in the prosecution thereof, which have been, or which shall be incurred by the United States, shall be taken and deducted, or otherwise refunded, and shall be accounted for by the agent or agents employed therein, under the direction of the President; which account, as far as may be then had, shall be submitted to Congress at their next session.

Approved, March 3, 1797.

An Act providing for certain buoys to be placed in and near the harbor of Boston.

Be it enacted, &c., That the Secretary of the Treasury be authorized and directed to cause to be placed in and near the harbor of Boston, in the State of Massachusetts, upon such rocks, ledges, or shoals, as the security of navigation there most requires to be distinguished, not exceeding six larger and ten smaller buoys, whereof the whole expense shall not exceed one thousand six hundred dollars.

SEC. 2. *And be it further enacted*, That a sum not exceeding one thousand six hundred dollars shall be, and hereby is, appropriated to defray the necessary expense of the said buoys, to be paid from the duties on imports and tonnage.

Approved, March 3, 1797.

An Act extending the time for receiving on loan the Domestic Debt of the United States.

Be it enacted, &c., That all the several provisions of the act, entitled "An act further extending the time for receiving on loan the Domestic Debt of the United States," passed the nineteenth day of February, one thousand seven hundred and ninety-six, be, and they are hereby, continued in force until the thirty-first day of December next, and no longer: *Provided*, That nothing herein contained shall be construed to extend to any evidence of Public Debt which may be barred by any act of limitation.

Approved, March 3, 1797.

An Act to revive and continue the act, passed the thirtieth of May, one thousand seven hundred and ninety-six, entitled "An act to regulate the compensation of clerks."

Be it enacted, &c., That the act, entitled "An act to regulate the compensation of clerks," passed the thirtieth of May, one thousand seven hundred and ninety-six, be, and the same is hereby, revived and continued until the first day of January next.

SEC. 2. *And be it further enacted*, That the sum of one hundred dollars be allowed and paid to each of the principal and engrossing clerks in the office of the Secretary of the Senate, in addition to the sums allowed them by law, for the year one thousand seven hundred and ninety-six; and also, that the further sum of one hundred dollars to each of the principal and engrossing clerks employed by the Secretary of the Senate and the Clerk of the House of Representatives, be allowed and paid, for the year one thousand seven hundred and ninety-seven; also, the like sum to the sergeant-at-arms of the House of Representatives, and to each of the door-keepers and assistant door-keepers of the two Houses of Congress, in addition to the sums heretofore allowed by law.

Approved, March 3, 1797.

An Act concerning the Circuit Courts of the United States.

Be it enacted, &c., That, from and after the expiration of the present session of Congress, the times and places of holding the several Circuit Courts of the United States, in the present and each succeeding year, shall be as follows, to wit:

In the State of New York, at the city of New York, on the first days of April and September.

In Connecticut, at New Haven, on the thirteenth day of April, and at Hartford, on the seventeenth day of September.

In Vermont, at Windsor, on the first day of May, and at Rutland, on the third day of October.

In New Hampshire, at Portsmouth, on the nineteenth day of May, and at Exeter, on the second day of November.

In Massachusetts, at Boston, on the first day of June and twentieth day of October.

In Rhode Island, at Newport, on the fifteenth day of June, and at Providence, on the fifteenth day of November.

In New Jersey, at Trenton, on the first days of April and October.

In Pennsylvania, at Philadelphia, on the eleventh days of April and October.

In Delaware, at Newcastle, on the twenty-seventh day of June, and at Dover, on the twenty-seventh day of October.

In Maryland, at Annapolis, on the seventh day of May, and at Baltimore, on the seventh day of November.

In Virginia, at Richmond, on the twenty-second days of May and November.

In Georgia, at Savannah, on the twentieth day of April, and Augusta, on the eighth day of November.

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In South Carolina, at Charleston, on the sixth day of May and the twenty-fifth day of October.

In North Carolina, at Raleigh, on the first day of June and on the thirtieth day of November: *Provided*, That if any of these days shall happen on a Sunday, the court shall be held on the day following:

SEC. 2. *And be it further enacted*, That the fifth section of "An act for altering the times of holding the Circuit Courts in certain districts of the United States, and for other purposes," and the third, fourth, fifth, and sixth sections of "An act making certain alterations in the act for establishing the judicial, and altering the time and place of holding certain courts," be, and the same are hereby, repealed; and that the stated district courts of North Carolina shall, in future, be held at the town of Newbern.

SEC. 3. *And be it further enacted*, That all such process of the several district courts, within the said district, as, before the passing of this act, shall have issued, and all recognizances made, returnable to any of the said several district courts, and all suits and other proceedings that were continued and are depending therein, shall now be returned and held continued to the district court of the said State, to be holden at Newbern, on the first Monday in April next; and shall therein be tried, and otherwise proceeded on, according to law; and the dockets and records of the said several district courts shall be hereafter kept at Newbern, aforesaid. And to the end that suitors, witnesses, and all others concerned, may have notice of the alteration hereby made, the marshal of the said district of North Carolina is hereby required to make the same known, by proclamation, on or before the twenty-third day of the present month.

SEC. 4. *And be it further enacted*, That all proceedings and process depending in, or issuing out of any of the said courts, which are or may be made returnable to any other times and places appointed for holding the same than those above specified, shall be deemed legally returnable on the days and at the places above specified, and not otherwise. And all suits and other proceedings in any of the said courts, which stand continued to any other times and places than those above specified, shall be deemed continued to the times and places prescribed by this act, and no other.

SEC. 5. *Provided, and be it further enacted*, That if, in consequence of any alterations made by this act, it shall appear expedient to the district judge of any of the districts where such alterations are made as aforesaid, that a venire should issue for the summoning of jurors to attend the Circuit Court of such district, which is to be first held after the present session of Congress, it shall be lawful for him to direct the clerk of the said Circuit Court to issue a venire accordingly for the summoning of such number of jurors as the said district judge shall think fit, and from such parts of the district as shall appear to him most suitable to the convenience of the people thereof, giving reasonable notice of the time and place of attendance.

SEC. 6. *And be it further enacted*, That, from

and after the first day of September next, the present terms for holding the District Court in the Kentucky district shall cease, and thereafter the said court shall be holden on the second Monday in March, the third Monday in June and the third Monday in November annually.

Approved, March 3, 1797.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be requested to adopt some speedy and effectual means of obtaining information from the States of Connecticut, New Jersey, Pennsylvania, Maryland, Virginia, Kentucky, Tennessee, and South Carolina, whether they have ratified the amendment proposed by Congress to the Constitution, concerning the suabily of States; if they have, to obtain the proper evidence thereof.

Approved, March 2, 1797.

Resolved, &c., That the five hundred copies of the laws of the United States, directed to be printed by the act, entitled "An act for the more general promulgation of the laws of the United States," and which were, by the said act, reserved for the future disposition of Congress, shall be distributed by the Secretary of State in the manner following: One set shall be delivered to George Washington, now President of the United States; to the President of the United States; to the Vice President of the United States, and to each of the members of the Senate and House of Representatives; six sets shall be delivered to the Secretary of the Senate, and twelve sets to the Clerk of the House of Representatives; one set shall be delivered to each of the Judges of the Supreme Court, to each of the Judges of the District Courts, and to each of the Marshals and Attorneys of each district; one set shall be delivered to the Secretary of State, to the Secretary of the Treasury, to the Secretary of War, to the Attorney General, to the Director of the Mint, to the Comptroller of the Treasury, to the Commissioner of the Revenue, to the Register, to the Auditor, to the Accountant of the War Department, and to the Postmaster General, and the Purveyor of Public Supplies; one set shall be delivered to the Governor and to the Secretary of the Territory Northwest of the Ohio, and to each of the Judges thereof; one set shall be delivered to each Collector, Naval Officer, and Surveyor, and to each Supervisor and Inspector of the Revenue in the United States.

SEC. 2. *And be it further enacted*, That in case of the death, resignation, or dismission from office of either of the officers before mentioned, excepting the President and Vice President of the United States, the members of the Senate and House of Representatives, and the Judges of the Supreme and District Courts, the said copies of the Laws of the United States, delivered to them as aforesaid, shall belong to their respective successors in the said offices.

Approved, March 3, 1797.